

tion of the Tyson-Fitzgerald bill, providing retirement for the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7040. Also, petition of United States Customs Inspectors' Association, port of New York, urging early vote and passage of the Lehlbach retirement bill, liberalizing the existing pension law; to the Committee on the Civil Service.

7041. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., urging enactment of the Lehlbach retirement bill; to the Committee on the Civil Service.

7042. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., indorsing the provisions of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7043. Also, petition of New York Branch, National Customs Service Association, urging favorable consideration of House bill 13143 (formerly H. R. 10644), known as the Bacharach bill, providing for increased compensation paid to customs employees; to the Committee on Ways and Means.

7044. By Mr. LINTHICUM: Petition of Strother, Brogden & Co., C. T. Williams & Co., and Equitable Trust Co., all of Baltimore, registering objections to Norris bill (S. 3151) to abolish United States district courts; to the Committee on the Judiciary.

7045. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing legislation providing for increases in pension for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

7046. By Mr. MURPHY: Petition of 120 citizens of Belmont County, urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7047. By Mr. O'CONNOR of New York: Resolution of the State Camp for Veterans of the State of New York, protesting against passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

7048. By Mr. O'CONNELL: Petition of the New York Branch, United States Customs Employees Association, New York City, favoring the passage of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

7049. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7050. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to the Muscle Shoals bill; to the Committee on Military Affairs.

7051. Also, petition of the Central Union Label Council of Greater New York, favoring the passage of the Kelly bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7052. Also, petition of Frederick Sykes, of the Williamson Candy Co., Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill, providing retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7053. Also, petition of Edwin Gould, of New York City, appealing for liberal treatment of budget for the Virgin Islands; to the Committee on Appropriations.

7054. Also, petition of the Carded Woolen Manufacturers' Association, Boston, Mass., favoring the passage of the Caraway bill (S. 1005) to regulate the work of the so-called lobbyists; to the Committee on the Judiciary.

7055. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Dale-Lehlbach Federal employees' retirement bills (S. 1727 and H. R. 25); to the Committee on the Civil Service.

7056. By Mr. QUAYLE: Petition of Central Union Label Council of Greater New York, favoring the passage of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7057. Also, petition of Pathé Exchange (Inc.), of New York, making certain recommendations for clauses to be incorporated in the pending copyright bill with reference to motion pictures; to the Committee on Patents.

7058. Also, petition of the American Agriculture Chemical Co., of New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

7059. Also, petition of Williamson Candy Co., of Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill providing retirement for the disabled emergency officers of the World War; to the Committee on Military Affairs.

7060. Also, petition of New York Branch National Customs Service Association, of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for salary increases for a large number of the customs employees; to the Committee on Ways and Means.

7061. Also, petition of the metal trades department, American Federation of Labor, Brooklyn, N. Y., favoring the passage of Senate bill 3685 and House bill 12032, to correct injustices suffered by the chief warrant officers of the Navy; to the Committee on Naval Affairs.

7062. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Lehlbach-Dale retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

7063. By Mr. SELVIG: Petition of W. G. Beck and 39 employees in the Postal Service, of Crookston, Minn., and neighboring towns, urging the passage of House bills 25 and 89; to the Committee on the Post Office and Post Roads.

7064. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana, Pa., in favor of immediate action on a bill to increase the rates of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7065. By Mr. SWICK: Petition of the congregation of the Slippery Rock Presbyterian Church, of Elwood City, Lawrence County, Pa., Rev. Paul H. Elliott, pastor, favoring the passage of House bill 78, known as the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

7066. By Mr. TAYLOR of Colorado: Petition from citizens of Carbondale, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7067. Also, petition from citizens of Meeker, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7068. By Mr. TILSON: Petition of residents of West Haven, Conn., in support of legislation increasing the rate of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7069. By Mr. TIMBERLAKE: Petition from residents of Fort Lupton and Boulder, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7070. By Mr. UNDERWOOD: Petition of citizens of Billespieville, Ohio, favoring increase of pensions for Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

7071. By Mr. VINSON of Kentucky: Petition of veterans of the Civil War and widows of veterans, of Elkfork, Morgan County, Ky., for an increase of pension; to the Committee on Pensions.

7072. By Mr. WELCH of California: Petition containing 66 signatures, forwarded by the United States Employees' Association, favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

SATURDAY, April 21, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McKellar	Simmons
Barkley	Glass	McLean	Smith
Bingham	Goff	McMaster	Smoot
Blaine	Gooding	McNary	Steiwer
Blease	Gould	Mayfield	Stephens
Borah	Greene	Metcalf	Swanson
Bratton	Hale	Moses	Thomas
Brookhart	Harris	Neely	Tydings
Broussard	Harrison	Norbeck	Tyson
Capper	Hawes	Norris	Vandenberg
Caraway	Hayden	Nye	Wagner
Copeland	Heflin	Oddie	Walsh, Mass.
Couzens	Howell	Overman	Walsh, Mont.
Curtis	Johnson	Pittman	Warren
Cutting	Jones	Ransdell	Waterman
Dale	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	
Frazier	Locher	Shortridge	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate because of illness.

Mr. HEFLIN. I wish to announce that my colleague the junior Senator from Alabama [Mr. BLACK] is necessarily detained from the Senate on public business.

Mr. WAGNER. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate because of illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

RELIEF OF UNEMPLOYMENT

Mr. VANDENBERG. Mr. President, I have here certain letters in the nature of petitions which I desire to lay before the Senate with a brief word of explanation.

The distinguished junior Senator from New York [Mr. WAGNER] yesterday discussed at length his proposal for the long-range planning of public works as a means to utilize the spending power of the Government when periods of economic depression need stimulating offset. Shorn of its self-serving political preliminaries, the Senator's economic philosophy greatly interests me. He will find it already embodied in the Jones bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression. He will find it also in the Kenyon bill as drawn by the distinguished former Senator from Iowa in the first session of the Sixty-seventh Congress. The Jones bill is now pending on the calendar. By all means it should be passed, so that the basic principle may be established. Subsequently, in my judgment, the principle should be extended.

It is my contention that when economic depression reaches a point where it is advisable to invoke this stimulus of extra public work we also have reached a point where such public work should be financed by a temporary diversion of a portion of the annual sinking fund rather than by increased taxation, which of itself would hurt rather than help in such an emergency. It is upon this point that I ask permission to have inserted in the Record certain excerpts from letters which I have received upon this subject.

The VICE PRESIDENT. Without objection, it is so ordered. The excerpts are as follows:

Excerpts from letter dated April 16, 1928, at Ann Arbor, Mich., and addressed to Senator VANDENBERG by Gardner S. Williams, of the American Engineering Council

I personally am prepared to indorse your proposition without reserve—namely, the temporary diversion of sinking funds to finance enhanced public works which are undertaken as an offset to emergency periods of unemployment and depression—and will submit it to the American Engineering Council, with whose view in the matter it is more in harmony than the text of the present bill.

It has been our thought that the execution of public works should be slowed down in times of prosperity and extended in times of cessation of industry without provision of a special fund, the adjustment being in the hands of those controlling the works. There are, of course, objections to the latter proposition, and I think that your suggestion accomplishes the same result as would ours.

Excerpts from letter to Senator VANDENBERG, dated April 17, 1928, at Framingham, Mass., by Henry S. Dennison

Your proposal is, it seems to me, highly practical. The psychology of it is obviously good, though, like all questions of psychology, it would be subject to the sometimes quick changes of background, to which, however, you, being on the ground, would be fully sensitive.

Considered from a purely economic viewpoint, the main question is whether public work undertaken during times of depression should be financed out of the next year's taxes or by borrowing. For, in economic effect, though not in psychological effect, to fall by a hundred million to increase the "sinking fund" for the retirement of public debt would be the same as to provide full "sinking fund" and borrow another hundred million. I feel certain that no categorical answer applicable to all times and conditions can be given to this question. It depends upon a judgment at a given moment as to whether it is better for the Government to compete, as it were, with business for the capital or income of the country. When interest rates are low and profits not too free, borrowing would be indicated, and that is, roughly, the state of affairs at the moment. During times of expansion, however, interest rates tend to be high and profits good. Then it is better to tax. Of course, some other considerations enter, but this, I think, is the bald, primary statement of the case.

Since the record of the past has shown that periods of unemployment may come in almost any state of the money market, and since profits are likely to be on the low side during such periods, and especially since, whatever the previous state of the money market, there is a tendency toward low interest rates during times of depression, it follows that to take extra public works out of Government borrowing rather than out of taxes will more often be wise. If, however, it is found better actually to set aside funds to be drawn upon during times of depression, then those funds could be accumu-

lated in either way that at the time of their accumulation best suited business conditions.

To sum up, then, I think your proposition is economically sound in almost all likely situations, and, in the situation of the moment, is decidedly wise, both economically and psychologically. You will, however, I am sure, be prepared to meet the superficial objections which were thrown at the similar proposition in Great Britain and served temporarily to defeat it, to wit, that borrowing to "make work" was like paper-money financing—unsound and dangerous. The point lies, of course, in the assumption that the work itself will be unsound; but in such a case it is just as bad to tax to get the funds as it is to borrow, and unsound public work is even worse in times of prosperity; bad in either case. This superficial argument depends upon the fear that the legislating bodies will be carried away by sentiment.

Excerpt from letter to Senator VANDENBERG dated April 13 at Philadelphia, Pa., from ex-Senator George Wharton Pepper

I can not think of any objection that is sound in theory to the proposal that you make respecting the suspension of payment into the sinking fund simultaneously with and to an extent equal to emergency appropriations to avert unemployment. I agree with you that it is economically sound to say that when we are making emergency appropriations for such a purpose we are not in shape to indulge in the luxury or debt reduction. I am quite sure that all of us who have been interested in this legislation would heartily approve of a modification of the bill on the lines which you suggest if this were to prove satisfactory to Secretary Mellon and Senator JONES.

Excerpt from letter to Senator VANDENBERG written April 20, 1928, at New York City, by John B. Andrews, secretary of the American Association for Labor Legislation

I do not think your suggestion is visionary. On the contrary, I believe it is economically sound and, subject to the everlasting necessity of also being "expedient" in legislation, it is worthy of the most serious consideration whenever this question of financing the long-range planning of public works is up for discussion. We want the principle adopted now without fail, and any incidental improvement is highly desirable where practicable.

A large number of thoughtful citizens look upon this (the Jones bill) as a reasonable measure of preparedness which we may reasonably expect to be taken at this session of Congress as one important step in the constructive program for dealing with some future period of industrial depression.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

- S. 1736. An act for the relief of Charles Caudwell;
- S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;
- S. 1758. An act for the relief of Fred A. Knauf; and
- S. 1771. An act for the relief of Peter S. Kelly.

The message also announced that the House had passed the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in airplane accident, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3325) for the relief of Horace G. Knowles, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;
- H. R. 548. An act for the relief of Fayette L. Froemke;
- H. R. 851. An act for the relief of Alfred Chapleau;
- H. R. 1406. An act granting six months' pay to Lucy B. Knox;
- H. R. 2477. An act for the relief of Joseph S. Carroll;
- H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;
- H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;
- H. R. 3721. An act for the relief of Arthur L. Hecykell;
- H. R. 3936. An act for the relief of M. M. Edwards;
- H. R. 3954. An act to reimburse Dr. Philip Suriani;
- H. R. 4014. An act for the relief of Kenneth M. Orr;
- H. R. 4029. An act for the relief of Maude A. Sanger;
- H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;
- H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4357. An act for the relief of William Childers;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 5953. An act for the relief of E. L. F. Auffurth and others;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7496. An act for the relief of Kenneth A. Rotharmel;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of the local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 8809. An act for the relief of George W. Burgess;

H. R. 8888. An act for the relief of Jose Francisco Rivas;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;

H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;

H. R. 11014. An act for the relief of Don C. Fees;

H. R. 11094. An act to correct the military record of William Estes;

H. R. 11107. An act for the relief of William H. Estabrook;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11960. An act for the relief of D. George Shorten; and
H. R. 12311. An act to provide for the payment of compensation to William J. Tilson.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; and

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry.

PETITION

Mr. BROOKHART presented the petition of Dr. John H. Davis and sundry other citizens of Sioux City, Iowa, praying for the adoption of the so-called Robinson amendment to House bill 1, the tax reduction bill, relative to traveling expenses of physicians and dentists in connection with their attendance upon professional meetings, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 857) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia (Rept. No. 858); and

A bill (S. 3903) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia (Rept. No. 859).

Mr. COPELAND, from the Committee on Appropriations, to which was referred the bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol, reported it with an amendment and submitted a report (No. 860) thereon.

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the bill (S. 2139) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon, reported it without amendment and submitted a report (No. 861) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, reported it with amendments and submitted a report (No. 862) thereon.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (S. 2538) for the construction of a road across the Makah Reservation to Neah Bay, Wash., reported it with an amendment and submitted a report (No. 864) thereon.

ST. CLAIR RIVER, PORT HURON, MICH.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11404) authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., and I submit a report (No. 856) thereon. I call the attention of the Senator from Michigan [Mr. VANDENBERG] to the report.

Mr. VANDENBERG. Mr. President, the bill has the unanimous approval of the House of Representatives, of the Senate Commerce Committee, of all the departments involved, and relates to a bridge over the St. Clair River. The element of time is exceedingly vital. Therefore, I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce and improve the Postal Service the Port Huron, Sarnia, Point Edward International Bridge Co., a Michigan corporation, hereinafter referred to as the company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, St. Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construc-

tion of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and in so far as the company, its successors or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

SEC. 2. There is hereby conferred upon the said company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State Highway Department of Michigan.

SEC. 5. The said company, its successors and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per cent of their par value nor bear interest at a fixed rate in excess of 6½ per cent per annum. None of said debentures issued against said bridge shall be sold for less than 90 per cent of their par value nor bear interest at a fixed rate in excess of 7 per cent per annum. Any preferred stock issued shall be at par plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per cent per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used: First, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the company, its successors and assigns; and, third, 20 per cent of any funds then remaining shall be retained for corporate uses by the said company, its successors and assigns, and the other 80 per cent thereof shall be applied by said company, its successors and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock, or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year when all bonds, debentures, preferred stock, or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said company, its successors and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and so far as the same is situated within the Dominion of Canada shall be conveyed, without cost or expense, to the Dominion of Canada or to such Province, municipality, or agency thereof as the Dominion of Canada may designate, and all right, title, and interest of said company, its successors and assigns, therein shall then cease and determine. After said outstanding obligations of the company have been retired, said 80 per cent of the net earnings shall be held by the company and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within 20 years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said company, its successors and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge, the

daily traffic, and the tolls collected, and shall annually submit to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State Highway Department of Michigan and the Department of Public Highways of Ontario shall have access at any time to all records, files, and books of the said company, its successors and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having the control and operation of said bridge.

SEC. 8. The said company, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per cent of the total of said items. The Secretary of War may, and upon request of the Highway Department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said company, its successors and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said company, its successors and assigns, at the end of each six-month period to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of \$10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State Highway Department of Michigan and the Department of Public Highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per cent, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same, subject to the terms and conditions of this act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMISSION OF ESTATE TAX ON ESTATE OF JOHN SEALY

MR. THOMAS. From the Committee on Finance I report back favorably without amendment the bill (S. 4166) to remit estate tax on the estate of John Sealy, and I submit a report (No. 863) thereon. I will say that the bill, I think, will occasion no discussion, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McNARY in the chair). The bill will be read for the information of the Senate.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to remit the tax imposed by Title III of the revenue act of 1924, as amended, upon the transfer of the net estate of John Sealy, late a resident of Galveston, Tex., who died on February 19, 1926.

MR. JONES. I ask the Senator from Oklahoma if the bill has been reported unanimously by the committee?

MR. KING. What is the nature of the bill?

Mr. THOMAS. It is to remit the tax on a charitable donation given by Mr. John Sealy to a hospital in Galveston, Tex.

Mr. JONES. Is it a unanimous report of the committee?

Mr. THOMAS. It is.

Mr. JONES. How much does it involve?

Mr. THOMAS. The facts are that a bequest to a hospital was made by Mr. Sealy, who died 12 days before the tax law of 1926 became effective. Because of that fact his bequest will be taxed under the 1924 tax law.

Mr. JONES. I notice that the chairman of the Committee on Finance [Mr. Smoot] is present, so I will not make any objection to the consideration of the bill.

Mr. HALE. Mr. President, I do not understand that the consideration of this bill will in any way displace the naval appropriation bill?

The PRESIDING OFFICER. Not at all.

Mr. SMOOT. If the consideration of this bill shall in any way interfere with the naval appropriation bill, we shall ask that it go to the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 4169) granting a pension to James V. Latham; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4170) to authorize plans for a hospital at the Home for Aged and Infirm in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NYE:

A bill (S. 4171) to establish the Roosevelt National Park in North Dakota;

A bill (S. 4172) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; and

A bill (S. 4173) to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOWELL:

A bill (S. 4175) to amend the Federal farm loan act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHORTRIDGE:

A bill (S. 4176) for the relief of Henry J. Ford; to the Committee on Naval Affairs.

A bill (S. 4177) for the relief of the next of kin of Herbert Myers; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4178) granting an increase of pension to Augusta Berg (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CARAWAY (for Mr. ROBINSON of Arkansas):

A bill (S. 4180) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion at Little Rock, Ark.; to the Committee on Naval Affairs.

A bill (S. 4181) granting a pension to James R. Brown; and

A bill (S. 4182) granting a pension to Ella True; to the Committee on Pensions.

By Mr. CURTIS (for Mr. DENEEN):

A bill (S. 4183) authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 4184) granting an increase of pension to Mary E. Hawkins; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4185) granting an increase of pension to Emma J. Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4186) to regulate the use of spray painting compressed air machines, and for other purposes; to the Committee on Education and Labor.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13, 1928:

S. 1628. An act relating to the Office of Public Buildings and Public Parks of the National Capital.

On April 14, 1928:

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; to the Committee on Public Buildings and Grounds.

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson; to the Committee on the Judiciary.

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032; and

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker; to the Committee on Public Lands and Surveys.

H. R. 548. An act for the relief of Fayette L. Froemke;

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 3721. An act for the relief of Arthur L. Hecykell;

H. R. 4014. An act for the relief of Kenneth M. Orr;

H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin; and

H. R. 6195. An act granting six months' pay to Constance D. Lathrop; to the Committee on Naval Affairs.

H. R. 851. An act for the relief of Alfred Chapleau;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;
 H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;
 H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;
 H. R. 11094. An act to correct the military record of William Estes; and
 H. R. 11107. An act for the relief of William H. Estabrook; to the Committee on Military Affairs.
 H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;
 H. R. 3936. An act for the relief of M. M. Edwards;
 H. R. 3954. An act to reimburse Dr. Philip Surlani;
 H. R. 4029. An act for the relief of Maude A. Sanger;
 H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;
 H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
 H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;
 H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
 H. R. 4357. An act for the relief of William Childers;
 H. R. 4396. An act for the relief of Jesse R. Shivers;
 H. R. 5322. An act for the relief of John P. Stafford;
 H. R. 5341. An act for the relief of the Staunton Brick Co.;
 H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);
 H. R. 5953. An act for the relief of E. L. F. Auffurth and others;
 H. R. 6842. An act for the relief of Joseph F. Friend;
 H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;
 H. R. 7496. An act for the relief of Kenneth A. Rotharmel;
 H. R. 7895. An act for the relief of the Lagrange Grocery Co.;
 H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;
 H. R. 8474. An act for the relief of Elmer J. Nead;
 H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;
 H. R. 8808. An act for the relief of Charles R. Wareham;
 H. R. 8809. An act for the relief of George W. Burgess;
 H. R. 8888. An act for the relief of Jose Francisco Rivas;
 H. R. 10067. An act for the relief of Marion Banta;
 H. R. 11014. An act for the relief of Don C. Fees; and
 H. R. 11960. An act for the relief of D. George Shorten; to the Committee on Claims.

BOULDER DAM

Mr. JOHNSON. Mr. President, I ask unanimous consent that there may be inserted in the RECORD an editorial from this morning's Washington Herald entitled "How Power Trust uses newspapers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW POWER TRUST USES NEWSPAPERS

It is pretty to watch how the Power Trust gets hold of newspapers and uses them to block congressional action on Boulder Dam.

The Chicago Tribune, one of the leading newspapers of the country, is an illustration, brought out in the current investigation of the "electric-power industry," by the Federal Trade Commission.

On January 27, 1927, a rush telegram was sent out from New York to mobilize public opinion against the Boulder Dam bill, whose passage was then threatening.

The telegram was signed by George Oxley, publicity director of the National Electric Light Association, then the propaganda organization of the private power interests in the United States.

The telegram was received by many local publicity directors in the country, among them B. J. Mullaney, of Chicago, chairman of the Illinois Committee on Public-Utility Information.

On January 27, the same day, Mullaney instructed his assistant, McGregor, to get busy. The instructions ended:

"Perhaps Harper Leech can be interested. Perhaps some of the financial editors or reporters can be interested and then helped to get an interview out of some prominent citizen, banker, or otherwise, from the viewpoint of keeping the Government out of business."

Harper Leech was and is a feature writer on the Chicago Tribune. Well, they got Harper Leech interested. He is still interested and writing against Boulder Dam with material the private power people are furnishing him.

That is made quite clear in a letter written on March 21, 1928, less than a month ago, from McGregor to Maj. J. S. F. Richardson, of the Joint Committee of National Utility Associations, 420 Lexington Avenue, New York. Major Richardson's committee has replaced the National Electric Light Association as the official power company propaganda organization to fight Boulder Dam. McGregor writes:

MARCH 21, 1928.

DEAR MAJOR RICHARDSON: Harper Leech, of the Chicago Tribune (he who wrote as "Scrutator"), is working on a series of articles about the electric light and power industry and is obtaining quite a bit of data through this office.

Now he is on the track of Boulder Dam. He wants to know if the construction of Boulder Dam in accordance with the Swing-Johnson bill would back the water up over any other feasible dam sites for a power supply.

Also he has an idea—from some information he has obtained—that the whole Boulder Dam is a Los Angeles real-estate promotion affair. He would like to have any data that might be had to back up that theory.

I'll appreciate it if you'll have some one wire me to-morrow (Thursday), if possible, the answer to the first question, and let me know if you can send me any data to support the real-estate promotion idea.

Also, what is the latest developments, theories, etc., concerning the proposition—material that might help him.

Best wishes.

Sincerely,

R. R. MCGREGOR.

Did they get the information to Mr. Leech?

Well, the Chicago Tribune of April 5, 1928, presents Mr. Leech's article with the foreword:

"The Tribune presents a second article on the Boulder Dam, the giant water development project which is causing a hard fight in Congress."

The meat of the Leech story is in its headline: "Great clamor for a United States built Boulder Dam. Los Angeles real-estate boom awaits." The final paragraph of Mr. Leech's article reads:

"But no matter what the ultimate problems would be, the psychological effect of a Federal authorization and appropriation for Boulder Dam would be certain. A great boom in real-estate values not only in the Los Angeles region but in all of the area affected by the project would start as soon as the President signed the bill. They know a boom when they see one in the Southwest, and they can see one a long way off."

The Chicago Tribune editorial writer picked up Mr. Leech's contention that Boulder Dam was a Los Angeles real-estate proposition, and in the newspaper's lead editorial of April 16 he wrote:

"We are persuaded that the Boulder Dam proposal should be defeated. The expenditure of \$125,000,000 of the taxpayers' money, primarily for the benefit of real-estate speculators, would be worse than unwise. It would be a scandal as odious as Teapot Dome."

We do not believe that the Chicago Tribune, or its eminent editors, knew that the paper was being used by the private power companies to play their game.

We believe that the resentment of the public should be turned merely against the insidious methods of the Power Trust organization, intent upon diverting newspapers from their proper function of protecting the public, and, instead, making them the mouthpieces of private monopoly.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The word "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

Mr. FRAZIER. Mr. President, the amendment offered by the junior Senator from Wisconsin [Mr. BLAINE] to the naval appropriation bill, having to do with the marines in Nicaragua, has attracted much attention and brought about much debate. The senior Senator from Idaho [Mr. BORAH] admitted that mistakes had been made undoubtedly, probably based upon misinformation which had been given to the State Department and the executive department. I think that is undoubtedly true.

The Senator from New Jersey [Mr. EDGE] also in his remarks yesterday admitted that blunders had been made in regard to the attitude of our administration, or at least its action, with reference to the marines in Nicaragua. He especially thought that a blunder had been made in withdrawing the marines from Nicaragua some months ago because, he said, a revolution was started after that withdrawal.

Looking at the situation from the outside, it seems as if the withdrawal of the marines, if it was a blunder, was based upon misinformation given by some of the financial interests of Wall Street, because it turned out apparently to their advantage. I am not accusing the administration of being connected in any way or working in combination with the Wall Street interests, but it seemed to work out that way. There was an assistant in the State Department who had been an employee of one of the big Wall Street firms, who afterwards left the employ of the State Department and went back to the New York firm after some deals were put across for the benefit of the big New York financial interests.

The revolution which took place in Nicaragua while the marines were out would indicate that the Liberals seemed to be getting the advantage and were gaining pretty rapidly. Of course, after deals were made which gave some of the financial interests in this country practical control of the railroads and banking and power interests of Nicaragua, it was time again to send the marines in to stop the revolution and protect the Government under President Diaz, which everyone seems to admit was absolutely without any authority, at least legal authority, until he was recognized by the United States and the marines were sent down there to protect him.

In view of all the mixed-up situation we have gotten into through our attempts to protect property by means of our soldiers and marines, it seems to me that the logical way out of the whole difficulty might be to outlaw the whole war proposition.

It was admitted here on yesterday by the Senator from New Jersey [Mr. EDGE] that we are in a state of war with Nicaragua to-day. I think there is no doubt about that. Although Congress has never authorized it, yet there seems to be a state of war, and, as the Senator from Idaho [Mr. BORAH] so ably set forth a couple of days ago, it would seem almost impracticable and impossible to withdraw the marines from Nicaragua at the present time because of conditions existing there, which, the chances are, if the marines were withdrawn, would go from bad to worse. So I suppose the marines will have to be left in Nicaragua at least until after the election in that country shall have been held. Notwithstanding that, I believe the amendment of the Senator from Wisconsin [Mr. BLAINE] is a good one, and that it should be adopted.

It occurs to me, however, that the thing to do, the step to take, in order to avoid future trouble of this kind is to prevent all war and, if possible, to make war legally impossible. So I want to address the Senate on Senate Joint Resolution 1, which provides for the outlawing of all war. Judging from the communications I have received from practically every State in the Union in reference to the joint resolution, I believe that the great majority of the people to-day, if they were given an opportunity to vote on the subject, would vote for outlawing war, to make war impossible; and if Congress is willing to give the people a chance to express themselves, through their State legislatures and otherwise, upon this important question, I think there can be no doubt that the outcome will be the adoption of the amendment to the Constitution of the United States which is proposed by the joint resolution.

Mr. President, the amendment to the Constitution proposed by Senate Joint Resolution 1 would make it legally impossible for the United States to commit the greatest crime known to man. It would outlaw war.

I believe in the proposed amendment to our Constitution because I do not want to be a party to the crime of war; because I am unwilling that the Nation to which I belong, for which I am in part responsible, shall ever again commit that crime.

No compromise is possible. We must either outlaw war and take the consequences, whatever they may be, or be ready for the next war and take the consequences, whatever they may be. There is no middle ground. It has been aptly said that—either civilization must destroy war or war will destroy civilization.

I am for the outlawing of war, believing that is the humane way of safety and sanity. It is the only way which can be taken by those who see in war a denial of Christianity and civilization, a denial of the survival of all that gives value to the work of men and of nations.

We have talked peace, but we have not repudiated war. We entered and fought a war to end war and then began to prepare at once for the "next war." We have made gestures of good will and killed Nicaraguans. We have gone to disarmament conferences and talked about the size of battleships and the elevation of guns. Colonel Lindbergh has been our envoy of international friendship, yet the very boys who seek to emulate him are being forced to take military training in our schools and colleges so that, whenever friendship fails, killing can begin.

This is both inconsistent and hypocritical, and unworthy of the American people. There is neither principle nor common sense in such a mixture.

The proposed amendment is a definite, uncompromising repudiation of war by the United States. It makes war an outlaw, depriving it, the enemy of law, of all legal sanction and prestige, of all the protection and support which our Constitution now gives it.

The amendment provides that war for any purpose shall be illegal; that it shall be illegal to prepare for war or spend money for war. It eliminates all powers of war from the Constitution. The Women's Peace Union proposed this amendment. They are honestly in favor of it and have the courage of their conviction to back it. They are using their political power to oppose the crime of war, to conserve life, and to promote the cause of civilization.

I have had letters and telegrams from men and women all over the Nation favoring this amendment. But, as in all reform movements, some scoff, scorn, and oppose.

A New York woman, opposing the amendment, wrote as follows:

I received to-day from a friend in Washington a newspaper clipping which reports a resolution put forward by you for a constitutional amendment under which the United States would be prohibited from preparing for or engaging in offensive or defensive war. I can not believe any man could be elected to your high office who entertains such treasonable sentiments, and no intelligent or patriotic American can view such a resolution otherwise.

To this lady I replied:

I am at a loss to know what the newspaper clipping to which you refer could have contained in order that you should make such rash statements as you have in your letter.

The resolution I introduced was for an amendment to outlaw war, and it seems to me that any good, Christian woman must be in favor of a measure of this kind. Zona Gale said: "When any body politic in all the world will say quietly through its lawmakers, 'We are done with every form of militarism in our State,' I am assured that this will be, not the shot, but the voice, heard around the world," which I believe is true.

In contrast with the letter from New York was one received from a citizen of North Dakota. It reads:

Listening to a sermon yesterday, my attention was called to a bill before Congress whereby the Navy is to receive a vast sum of public money for the next 10 years for the building of battleships.

Arms never mean peace, and I am opposed to any war, and I think the congregation yesterday, judging from the remarks after the sermon, were unanimously with the preacher for the prevention of all wars.

In view of our enormous public debt and the necessity of more hospitals, I think that the people who pay the taxes and do the dying and the mourning should be entitled to be heard from before this apparently mad policy is fixed.

These letters express two very usual attitudes toward war. To the lady who denounces this resolution war is apparently almost a sacred institution, her highest ideal of patriotism. To her, loyalty to our country and belief in the war system are synonymous. Anyone who says we can and should outlaw war is to her a traitor. She represents the established order, which does not explain or justify itself, yet threatens anyone who has other standards and ideas. This type of men and women are, in my opinion, the chief obstacle to a clear understanding of war and to the immediate repudiation of it, which understanding will produce.

The writer of the other letter is realistic, seeing in war death, sorrow, and the expenditure of vast sums of money which are needed for beneficent purposes and for the payment of war debts we already have. I agree with this correspondent not only in opposing all war but also in believing that armies and navies do not bring peace.

Our War Department, in Document No. 499, gave these war strengths for 1911—that is, the soldiers and the reserves fully trained:

Of France, 2,988,136; of Germany, 4,713,366; of Austria, 2,059,954; of Russia, 4,689,409; of England, 366,190; and of Italy, 1,586,270.

Did these armies stand for peace or protection? The World War demonstrated that they brought anything but peace, and the protection was, to say the least, far from perfect. It is also my belief that before any further war preparations are authorized the "people who do the dying, mourning, and paying" should have an opportunity to decide whether or not they wish to sanction war or peace, whether or not they wish to maintain armed forces or to abolish them and outlaw war.

The war powers now possessed by our Government were written into the Constitution 141 years ago. No one alive now has had any voice or vote concerning them. Since 1787 much advancement has admittedly been made, manhood suffrage has been extended, slavery has been abolished, women have secured their political freedom. But on this most vital matter the people have had no chance to express themselves. I wonder how many of our citizens to-day would agree with the statement of George Mason, in the Virginia convention, called for the ratification of the Constitution. He said:

I abominate and detest the idea of a government where there is a standing army. * * * When a standing army is established in any country the people lose their liberty. (Elliott's Debates, p. 379, Vol. III.)

And with Madison, who said at the same convention:

Mr. Chairman, I most cordially agree with the honorable gentleman last up that a standing army is one of the greatest mischiefs that can possibly happen. * * * (Ibid., p. 381, Vol. III.)

We have had, and we now have, the standing army many of our forefathers feared. We have had the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the late World War; and in addition an almost unbroken line of military expeditions and undertakings from 1789 to the present year, when our marines have been employed in Haiti, Nicaragua, China, the Philippines, and wherever else they have been sent, even without the authorization of Congress or the consent of the people. I have many clippings which tell something of the death and destruction our armed forces have caused in China and Nicaragua in 1927-28, and the recent statements from the Secretary of the Navy give 21 of our marines killed and died of wounds, and 202 natives killed in Nicaragua in the past year. I am not proud of these figures, Mr. President. It seems to be popular at present to speak of our soldiers and marines as though they were welfare workers, engaged in philanthropic missions here and there about the world. If that were really the object, Mr. President, we might better send the Salvation Army, for their record for welfare work is vastly better than that of our war forces.

O Mr. President, I am not in any way blaming the soldiers and marines. Oh, no; they are not to blame. "Their's not to reason why; their's but to do and die." The blame is ours, here in the Senate and the other branch of the Congress. We have the power to regulate these conditions and to change our methods, so that never again shall an agent of ours kill people in the name of the United States, thereby inviting hatred and violence from others.

Let us not be deceived. The purpose of armed forces is to kill, wound, to maim, to destroy. I quote from the official training regulations of the United States Government:

The fighting instinct of the individual soldier must be developed to its highest point by the instructor. (Training Regulations, No. 50-25, War Department, Washington, January 2, 1926, p. 1.)

The point of the bayonet should be directed against the opponent's throat, especially in hand-to-hand fighting, so that the point will enter easily and make a fatal wound on penetrating a few inches. Other vulnerable and frequently exposed parts are the face, chest, lower abdomen, thighs, and, when the back is turned, the kidneys. The armpit, which may be reached with a jab, if the throat is protected, is vulnerable because it contains large blood vessels and a nerve center.

Four to six inches penetration is enough to incapacitate and allow a quick withdrawal, whereas if a bayonet is driven home too far it is often impossible to withdraw it. In such cases, a round must be fired to break up the obstruction. (Ibid. p. 5.)

In many instances, a kick to kneecap or crotch will aid the butt stroke. A butt stroke or kick will only temporarily disable an enemy, and it should be clearly understood that the butt must not be employed when it is possible to use the point of the bayonet effectively. (Ibid. p. 22.)

There is a lot more in these training regulations to show how war maiming and killing can best be done, the rewards

going to those most skilled in the job, as the next quotation shows:

* * * to each officer and enlisted man qualifying for the first time as bayonet expert, insignia indicating their skill with the bayonet will be issued. (Ibid., p. 43.)

Not much philanthropy or Christianity about that. Are we proud of teaching this to our boys and sending them out in the world to practice it?

Col. Charles Erskine Wood, of California, a West Point graduate of 1874, who saw 10 years of active service, in commenting upon these instructions at the hearing on this amendment last winter, said:

Now, the art of war, if it is an art, has changed very greatly since I left West Point and was engaged in slaughtering Indians * * * we did not have such things as poison gas, and my instruction in the use of the bayonet was always to spare your man if he was down and wanted quarter, and we were not told to seek out his kidneys if he lay on his belly and seek out his heart if he lay on his back. (Sixty-ninth Cong., 2d sess., hearing before subcommittee of Senate Committee on the Judiciary, constitutional amendment making war legally impossible. January 22, 1927, Government Printing Office, Washington, D. C.)

Mr. President, what happens to the souls of our boys while they stand before dummies in human form learning to perfect the diabolical use of the bayonet? And what must they think of us, the United States Congress, who, in the last analysis, are responsible?

So long as we sanction and provide for war we are responsible for every act of war, for all the agony, all the torture, and all the hideous waste it involves.

This, for instance, is a description of a trench raid by Maj. Gen. Robert Lee Bullard, who was with the A. E. F. in France:

* * * It is a short, terrible, crashing fight, a thing of a few rods and a few minutes, filled with danger and death. It is preceded and followed by a tornado of artillery fire that drives men into the earth as the only safety, from which they may not emerge at all—or emerge to death or capture. Its suddenness, its hand-to-hand deadly encounters, its carnage at close quarters with daggers, pistols, and fearful explosives, its shattering, bloody, merciless action, make it terrible to both raiders and raided. Well that it lasts but a few minutes—it can not last more. (Bullard, Personalities and Reminiscences of the War, p. 148.)

Here is another picture of war given us by an American soldier named Wallace, writing of his experiences in the British Army in the Dardanelles:

For seven weeks we lay in this position, with 2,400 dead men lying within 10 yards of us, unable to pull them into the trench to cremate them or to get out and bury them. There it lay—heads, arms, legs, feet, hands, brains, and entrails and pieces of flesh, littered all over the slope of the parapet; the hot broiling sun blazing down upon this mass of mutilated human flesh to rot it and form maggots. And then it rained and washed all this nauseating mass into our trench. And in this we had to eat, sleep, and live! (Wallace, Daniel H., Shanghai into the European War, 1916, published by League of Humanity, Chicago, p. 9.)

Mr. President, these things are not decent. They are not civilized. They are not Christian. We boast of our advanced civilization. We are pleased to call ourselves a Christian nation. After thousands of years of civilization and after 1900 years of Christian teachings, in the name of the Great Master, is it not time to abolish war? It seems all but incredible that at this day and age we can send our boys to war to do such deeds and endure such suffering. The reason is, of course, that in this matter of war we think in terms of nations and governments and so-called sacred property rights, and not in terms of human beings as the victims. We like to think of the courage, the bravery, the heroism of our boys. But it is our duty here to see to it that their youth, their strength, their courage, their loyalty shall not be betrayed by ignorance, fear, hate, or greed. It is our finest young men we send to war.

The Napoleonic wars shortened the stature of the French race by killing off so many tall soldiers whose height would have been inherited had they lived to have children. So also the World War has killed off the healthiest, strongest, bravest, and most intelligent young men of Europe—medically selected for slaughter. (League of War? By Dr. Irving Fisher, p. 206.)

Why do we go into war?

I quote from an address made at Harvard University in June, 1927, by the Hon. Alanson B. Houghton, our present ambassador to the Court of St. James:

War does not originate from time to time simply in a sudden and uncontrollable impulse on the part of one of these great national masses to go out and slaughter another. War is possible, no doubt,

because these masses are willing, under conditions, to fight. But these conditions are themselves an integral part of the problem. And that problem—

He continues—

broadly speaking, is the outcome of a series of maneuvers by which the masses concerned are brought into positions of opposition. Obviously, this maneuvering is not done by the masses themselves. Collectively and as individuals they have little, if anything, to do with the subtle and gradual shifting of international relationships. Their interests are directed to the more humble and prosaic task of earning a living.

The maneuvering is done by little groups of men called governments. These little groups seek constantly and naturally to gain supposed advantages of one sort and another for their own nationals. Out of their efforts to enlarge or to strengthen or to maintain the interests entrusted to their charge the masses they represent are gradually maneuvered into positions which, to say the least, can not easily be surrendered. If the process continues, sooner or later a situation arises in which an agreement between these small groups becomes impossible. Then, on the ground that their lives and families and property are somehow involved and endangered, these great masses of men and women, roused by every power of organized appeal and propaganda, are ordered under arms, and war follows. The entire process is in control of the smaller groups. They make the issue. They declare the war. The masses they control simply obey.

That is what our present ambassador to the Court of St. James says.

This statement is undoubtedly true. Ambassador Houghton might have added that every country in the World War conscripted its soldiers. The United States, after conscripting, endeavored to make the soldiers hate the enemy. For example, here is an extract from the diary of Maj. Gen. Robert Lee Bullard:

January 8, 1918: Am engaged in a hate-making campaign against the German. I am trying to imbue our soldiers with a determined hatred of them, their method, their purposes and acts. It is justified by German conduct in Belgium and France. It is, besides, a part of the preparation necessary. I believe that I shall succeed. * * * I deemed it especially necessary with our men, because many of them had been quite accustomed to Germans as fellow-citizens at home in the United States. Not having found them cruel or brutal, they would think that the Germans as an enemy had been lied about greatly by English and French. (Bullard, *Personalities and Reminiscences of the War*, pp. 116, 118.)

War ought to be outlawed because of what it always, and of necessity, involves—hating and lying, killing and maiming, violent coercion of body and soul. We ought to outlaw war, even if it could ever profit us or protect us, though there is no conclusive evidence that it can do either.

The only way in which we can outlaw war is by amending the Constitution. If there were any other way, no one would propose so drastic a change, and one which will take several years at least to accomplish. So long as our fundamental law gives war powers to the Government, war will be a legal activity, which we can not restrain by a treaty, by an act of Congress, even by a referendum of the people.

I have been asked why I do not modify this resolution. One suggestion is that war be made illegal except in case of invasion. What would be the result? We would have, as we have now, a great Army, Navy, and air force to protect us from the possible, though to my mind very improbable, invader; for even now, with war for any purpose, even aggression or conquest, entirely legal, we are told that our armed forces are merely for defense—defense of our lives, our homes, our institutions, our industries.

The most ardent of our preparedness advocates will not admit that our Army should or could be used for invasion. Our greater Navy advocates will not admit any desire for conquest. Oh, no; their one plea is preparedness and defense. Therefore, if war were legal only for the purpose of resisting invasion, we would have just such an Army, Navy, and air force as we now have. We would then, as now, confess our willingness to hide behind the bodies of our boys in order to keep ourselves safe. In the meantime our boys would be used, as they are now, to protect our business interests and alleged property rights away from home; getting us into trouble instead of keeping us out; using our flag to cover greed and coercion, instead of holding it up proudly as the emblem of liberty and justice.

There is the same objection to the proposal for a referendum on war before Congress can declare war in any given instance. The Army, Navy, and air forces would have to be maintained ready for use in case the result of the referendum were in favor of war, though I do not believe the people of the United States would ever vote in favor of war, no matter how much misleading propaganda had previously been fed to them.

It has been suggested that we enter into agreements with other nations not to fight, but keep our armed forces to use in case the other nations break their agreements. That suggestion also shows faith in the efficacy of armed force, and implies moral sanction for it. Moreover, the possession of armed forces means the use of them, either directly in actual killing or indirectly in coercing the weak, because it seems to be easier to resort to violence than to rely upon justice and intelligence. War is the selfish and greedy man's way of settlement.

If, as a practical matter, it were possible to make treaties with other countries outlawing war and also providing for complete disarmament, the treaties would not be binding as far as we are concerned, because they would be in conflict with the war powers granted by the Constitution of the United States, and a treaty can not deprive the Government of its constitutional powers. Moreover, any treaty can be nullified by an act of Congress of subsequent date, if, and in so far as, the two are in conflict.

This amendment differs from other peace plans which have been proposed in that it does not attempt to reconcile war and peace. The amendment is designed merely to make war legally impossible. Its proponents believe this can and should be done. They believe that the resort to violence is now in no sense a necessity but a habit, a survival of the time when the economic and social interests of men and nations were conflicting, not interwoven and interdependent at all points, as we now see them to be.

Therefore the proposal does not bear on its face the solution of all economic problems, all national and international relations. Many people contend that war and preparation for war must go on until a solution is found. That might be a reasonable contention, if war offered any such solution. Even then some of us might prefer the disputes, the animosities, and the problems to the war; in short, prefer the disease to the remedy. A successful operation which kills the patient does not amount to much. What war has ever been worth the cost?

War does not settle trade disputes, abolish racial animosities, guarantee the safety of lives, investments, and governments, or furnish a permanent cure for hate, greed, and murder. In fact, war actually prevents such settlements, guarantees, and cures, because it sweeps whole nations out of sanity into the grip of the most destructive emotions, far beyond the call of justice, reason, and humanity.

The development of modern warfare makes it almost impossible to talk of the defense of life or property, no matter how efficient the army, the navy, and the munition workers may be. With aircraft capable of crossing the ocean and destroying our cities in a night, it is futile to talk of the sacred right of self-defense. The right may still exist but the defense is practically impossible.

The following quotations were used by Dr. Irving Fisher in his book *League or War*:

[From the *New York Times*, March 13, 1921]

The Chemical Warfare Service has discovered a liquid poison so strong that three drops will kill anyone whose skin it touches. * * * Falling like rain from nozzles attached to airplanes, the liquid would kill everything in the aircraft's path.

The use of poisonous gas at the end of the World War was a child's game compared to what it will be in the future. (Brig. Gen. A. B. Fries, Chemical Warfare Division, United States Army.)

In a report to the League of Nations, published in the *New York Times* of August 22, 1924, Professor Angell said:

That whereas it is possible to take refuge from steel projectiles and high explosives in deep trenches and dugouts, there is no refuge from deadly gases.

And Professor Mayer doubts whether the world sufficiently realizes the power of the new arms and the dangers to which they expose populations, while Professor Cannon goes further and says that in the last war nothing was seen which is even comparable with the probable destruction of industrial regions and the massacres of civilian populations in the war now being planned.

Mr. President, this is a far cry from the Middle Ages, when it was forbidden to bombard a city before due notice had been given and every opportunity granted the noncombatants to flee from the danger.

No; there will be no guaranty of safety in the "next war," either to life or property. There may be an apparent victory, perhaps, for the nation which is most ruthlessly efficient in the use of bombs, poison gas, and disease germs, which sacrifices its own population and wealth and destroys without scruple or discrimination the enemy, young and old, women and children, ill and infirm. I can not believe, Mr. President, that such a victory could possibly be worth the price.

Many people realize that a guaranty of safety or defense is impossible for anyone to give, yet demand that guarantee before they will consider this amendment. They wish to keep the advocates of the amendment busy, offering them facts and figures about arbitration, passive resistance, multilateral treaties, and so on, in order that they themselves will not have to think about the amendment and the truth which it embodies, namely: That violence and bloodshed are always wrong in principle and disastrous in practice. These same people admit that stealing is wrong in principle and generally disastrous in practice. They do not say, "Give me a guaranty that I shall always have plenty of money or I will steal and make others steal for me." That would be unmoral. Is it not even more unmoral to demand the guaranty before we refrain from killing our fellow men—unmoral for those who believe that human life should be held sacred, unmoral also for those who believe that law and order must suffer whenever and wherever life is held cheap?

It is said that cannibalism became unpopular when some cannibal, with the vision of a capitalist, saw that it would be more profitable to keep his victim alive and make him work, since instead of merely furnishing one meal he could produce many meals for his captor.

If we are not interested in abstract morality, we can certainly see that instead of killing our neighbors we might better let them live and trade with them, thus producing many meals and much prosperity for ourselves.

To my mind these are the only questions we need ask ourselves: Is war a crime against humanity? If so, shall we commit that crime? Or shall we say we are done with it—It shall be outlawed?

The proponents of this amendment say outlaw war. My home is near the Canadian border. That border is unarmed. Between Canada and the United States there is peace and friendship. It is possible to extend that peace and friendship to the world, and it is possible to begin now.

If this resolution be adopted, if the United States disarm completely and spend a little money to let the people of the world know why we are unarmed, no one will attack us. Governments might be willing, but their people never would.

In any event, I would rather take the chance that we might possibly be wrong in putting such faith in our fellow men than to face the certainty that our country will continue to commit the crime of war, and face the certainty of destruction of life and property, almost beyond human comprehension, if another world war is waged.

I am not alone in believing that the much-heralded invading enemy of an unarmed nation is a myth; almost as much of a myth as the nation which fights solely in self-defense.

"No nation has ever admitted being an aggressor," says Arthur Ponsonby, a member of the British Parliament and former Undersecretary of State for Foreign Affairs. Mr. Ponsonby has spoken for the abolition of the air forces and is working for the complete independent disarmament of Great Britain. Disarmament by example, he calls it.

No nation could get its people to support a war which was declared openly to be a war of aggression.

Continuing, he says:

An attack leveled against a nation which had repudiated the idea of ever resorting to force, and which, therefore, could not be suspected in the remotest degree of provocation, would ipso facto be a war of aggression before the world. No nation, no government, no statesman would be a party to any such move. The fear, therefore, of a disarming or unarmed nation being attacked is imaginary and need not be taken into account. * * * Disarmament must be treated as the preliminary to, not the consequence of, security.

Other members of the House of Commons are working in that body for the complete disarmament of the British Empire. On five different occasions the question of doing away with the armed forces of Great Britain has been debated and brought to a vote, the last time being on March 12, when 116 members voted to abolish the air force and 215 voted to retain it.

Mr. President, at the proper time I am going to attempt to get a vote upon this resolution, but I predict right now that there will not be enough Members of the United States Senate with the nerve to allow the resolution to be voted on. They do not want to vote for it, and they do not dare to vote against it. They have not the courage of our English brothers over in the House of Commons, where 116 voted on the 12th of March to outlaw and do away with the air force of that nation.

I have the official reports of the House of Commons. In 1924, speaking on a motion the intent of which was to abolish the British Army, Mr. Ayles said:

I believe that had we learned the lessons of the recent war, and of every war that has gone before that, we should have come to the conclusion that we can not get any kind of security from armed force and from the preparation of armed force. When have armaments given us security? What did we find during the war? We found that in 1914—the greatest military machine this world has ever known was in the field against other armies. Where is the German army to-day? It is extinct. It brought no security to the German men and to the German women, who were led to believe that armed force meant security. * * *

I want to suggest that so far as any kind of security is concerned, in the time of Napoleon, when his victorious army marched across Europe, and when he was more victorious than ever before, France was less secure than ever she had been. In 1914 the greatest military power in the world, with all the forces and all the skill which she had, was not able to safeguard her own homes or her own people.

* * * I believe in complete and final disarmament, even in the midst of an armed world. I believe that the nation that is prepared to have the courage in the midst of an armed world to lay down its arms and not to be filled with fear—fear dogging its footsteps and paralyzing its efforts—will be the only safe nation, will be the only secure nation, will be the only nation that will be able to lead the nations of the world into the paths of righteousness. * * * You have failed with all kinds of armaments and with all wars in the past. You have degraded the world; you have degraded society; you have spoiled the whole lives of millions; you have destroyed the wealth that has been built up, and which ought to have been used for the betterment of mankind. The time has come to disband your armies and for every man to say, "We will never use our hands or our brains to slaughter our fellow men." In other words, the time has come when we should dethrone Mars and exalt Christianity. (Official report, Parliamentary Debates, House of Commons, vol. 171, no. 34, March 17, 1924, pp. 119–125, printed and published by His Majesty's Stationery Office, Imperial House, Kingsway, London, W. C. 2, England.)

In support of the same motion Mr. Thurtle, an ex-soldier, spoke in the House of Commons:

Why am I here to support this amendment? * * * because of my experience on the other side of the channel. The conclusion I came to as a result of that experience was that the kind of ordeal to which human life is put in modern scientific war, with its intensive barrage, its poison gas, its tanks, and things of that sort, is such that no human being ought to be asked to endure it. It is an ordeal which is too great a strain for man's physical and nervous system.

I might say here, Mr. President, that right here in our own United States, of which we are so proud, we have to-day over 24,000 of our returned soldiers in hospitals for the insane.

Mr. Thurtle continued:

* * * When you inveigle the inexperienced youth of this country into the Army, do you call their attention to the fact that the Army contract involves a great deal more than getting good clothes, good pay, good food, with attractions in the shape of an education? When you put these objects and advantages before the youth of the country you always keep in the background, whether it be in the air force of the Army or whatever portion of it, the real purpose for which you are getting them, which is that you may use their lives and limbs as a living shield to protect you in the case of a great war.

* * * What we are trying to say to the House and to the people of this country is that some time some country has to break this vicious circle and to make a definite stand and say that this vicious circle of fear is not going to continue. What we want to say to the people of this country is that there can be nothing finer or greater than that this country should be the country to take that stand first of all. * * * It is the duty of this country to say, * * * "We are going to establish a precedent, we are going to give one clear call to all the nations of the world." I am perfectly certain that if we give that clear call we shall rally the whole of the peoples to our standard. (Ibid. pp. 125–133.)

If you think these English members of Parliament and this Senate joint resolution too idealistic, here is the alternative, here is war:

In the World War the United States lost 125,500 men (Leonard P. Ayres, *The War with Germany*, p. 57), had 205,690 wounded (ibid., p. 58). There are still in hospitals in the United States 24,493 insane or partially insane soldiers.

In spite of this fearful object lesson preparations are being made for the "next war." I want to read what Irving Fisher says of the last war and of the "next war" in his book before referred to:

THE LAST WAR

What did the war cost? Its money cost to governments was \$186,000,000,000, to which might be added the billions spent during the generation preceding the war in preparing for it. This does not count the

billions of dollars' worth of devastation in France and Belgium and on the sea—the destruction of ships, factories, railroads, mines, soil—nor the intangible costs of disrupting trade and industry.

In human lives it cost 10,000,000 killed. This does not include the 30,000,000 of civilians "who might be living to-day."

In morale it cost respect for law and decency, a widespread demoralization from which the world probably can not recover in a generation. (Fisher, Irving, *League or War?* p. 205. Harper & Bros., New York, 1923.)

THE NEXT WAR

* * * And "the next war" will probably cost more in every one of these ways. In that war not soldiers only but helpless women and children will be asphyxiated by the newly invented gas bombs to be dropped from the sky. Whole cities, like New York, will have their inhabitants put to death by this method, and its buildings set on fire by other gas devices. The next world war means the suicide of the world!

This is not the kind of a nightmare that we have in our dreams. It is a nightmare of broad daylight. It simply represents the hard, cold facts of modern warfare as thus far developed, without any guessing as to further developments which future military science has surely in store for a world so blind as to countenance war. (Ibid., p. 206.)

Some say that we are not prepared for war and that there will be no "next war," but the War Department counts to-day on a man power of more than 675,000 men, including men in the Regular Army and Navy actually in service and the Organized Reserves. This figure also embraces men and boys, still civilians but partly trained either in the National Guard, the National Guard Reserve, citizens' military training camps, the Reserve Officers' Training Corps, civilian students' Army correspondence schools, the Naval Reserves, the Naval Reserve Officers' Training Corps, rifle clubs—a total of 17 branches of both services.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. It would be relevant to the matter just referred to concerning appropriations if the Senator referred to the appropriation bill carrying nearly \$400,000,000 for the Army for the next fiscal year and to the naval bill now before us, carrying nearly the same amount for the Navy for the next fiscal year. In addition to that, the Secretary of the Navy, with the approval of the President and the Budget, as I am told, recommended an appropriation of \$740,000,000 additional for new naval construction. Knowing, as we do, that most naval construction always exceeds the amount of the estimates, and in many cases the final costs are from 50 per cent to 100 per cent above the estimates, it would mean, if all of the demands of the executive departments are granted, Congress would appropriate directly and authorize the appropriation directly and indirectly approximately \$2,000,000,000 for military purposes for the next fiscal year. It seems to me that the militarists in the United States, with their strident voices, are quite successful in suppressing the voices of those who speak for a safe and proper naval policy and for world peace.

Mr. FRAZIER. I appreciate the Senator's suggestion, and I may state in connection with that line of thought that the report of the Secretary of the Treasury for the fiscal year 1927 gave some very interesting figures on expenditures for that year. Fifty-one per cent of the total expenditures by the United States Government for that year were for public debt and interest on the public debt, and the public debts are war debts. Thirty-one and a fraction per cent was for military functions. Seventeen and a fraction per cent was for civil functions. Undoubtedly a considerable portion of that 17 per cent plus is for war preparations, for expenditures we would not need if we were not preparing for war. In other words, 82 per cent of our annual expenditures raised by taxation from the people of the United States goes for past wars and preparation for future wars.

The ideal of the War Department is universal military training (Annual Report Secretary of War, 1921, p. 9).

In its Army Regulations the War Department takes for granted that immediately upon the declaration of war a conscription act similar to that in force during the World War will be jammed through Congress. (Army Regulations, No. 120-10, War Department, June 18, 1926, mobilization man power for military purposes, p. 7.)

The general plan for mobilization has been formulated and is in the hands of the local authorities throughout the country. (Ibid., pp. 3, 4, also Annual Report Secretary of War, 1927, p. 30.)

Army regulations for them provide in detail for the—

recruitment for the organization and the reception of men from the local draft boards. (Army Regulations, No. 135-10, War Department, Washington, December 31, 1924, par. 13, c. p. 5.)

And specifically state that—

prior to the operation of the selective service law—

There will be—

intensive voluntary recruitment at home stations, rendezvous or mobilization points. The personnel required to bring all mobilized cadres to war strength will be obtained directly from local draft boards. * * * (Army Regulations, No. 120-10, War Department, Washington, March 5, 1924.)

We have guns, bayonets, poison gas, tanks, and bombs. We are accumulating a war reserve of weapons and ammunition. Congress has been asked to authorize "educational orders" for munitions to be placed among private concerns, those concerns to be paid for keying their factories to war production and training their men in the manufacture of war material (Annual Report Secretary of War, 1927, p. 36), the contention being that it is necessary to have definite plans to prepare millions of men for war-time production. (Ibid., p. 39), since at least 17 civilians must work behind the lines to maintain one soldier in the line. (Assistant Secretary of War, in an address on January 24, 1927, reprinted in the United States Daily, January 25, 1927.)

We have raw materials allocated by 20 commodity committees. (Annual Report Secretary of War, 1927, p. 32.)

We have military men in contact with an executive railroad officer in each corps area, and car-service division representatives in touch with War Department agents. (Ibid.)

We have maps of all the transmission systems and plans for the coordination of the power industries urged upon the National Electric Light Association as a war measure. (Ibid., p. 33.)

The Navy Department reports 305 vessels in full commission, including battleships, cruisers, submarines, destroyers, and airplane carriers, with 190 aircraft attached to the fleets. (Annual Report Secretary of the Navy, 1927, pp. 10, 42.)

Mr. President, who can tell when this "next war" is going to come? When is this fearful machine, composed potentially of all the able-bodied men of the United States, trained in the latest scientific devices of slaughter; disciplined to instant, unquestioned obedience; drilled in the art of bombing, gassing, and bayoneting their fellows; supported by regimented industries back of the lines; reinforced by those iron monsters patrolling the seven seas and further augmented by an immense air force to start on its path of terror and destruction?

Or shall we decide not to have this "next war"? The decision lies with us.

War is a tremendous stupidity, a denial of our own intelligence. It is not only murder on a vast scale, but often national suicide on a larger scale. It is the means through which, so far, many civilizations have perished, and could easily be the means by which we also might be destroyed. War is primitive and barbaric. It should have no place in present-day civilization. It should be outlawed. The United States should set the example. Are we, as Members of the United States Senate, willing to pass this resolution and give the people of the various States a chance to speak on this subject? In my opinion the great majority of the people of this country would be glad to vote to outlaw war if given an opportunity to do so. I want them to have that opportunity.

This amendment to outlaw war is not expected to meet with the approval of people who always want to follow the established custom and who think that any suggested reform is a radical heresy. It will not be approved by those who believe in the "divine right of kings," in the divine right of a government to plunge its people into war. Neither will it be approved by those who believe in the sacred right of property over that of human life.

But the amendment is favored by those who honestly believe that war is a crime toward humanity and by those who honestly believe in the right of the people to govern.

I quote from Ralph Waldo Emerson's Essay on War:

If you have a nation of men who have risen to that height of moral cultivation that they will not declare war or carry arms, for they have not so much madness left in their brains, you have a nation of lovers, of benefactors, of true, great, and able men. Let me know more of that nation; I shall not find them defenseless, with idle hands swinging at their sides. I shall find them men of love, honor, and truth; men of an immense industry; men whose influence is felt to the end of the earth; men whose very look and voice carry the sentence of honor and shame; and all forces yield to their energy and persuasion. Whenever we see

the doctrine of peace embraced by a nation, we may be assured it will not be one that invites injury; but one, on the contrary, which has a friend in the bottom of the heart of every man, even of the violent and the base; one against which no weapon can prosper; one which is looked upon as the asylum of the human race, and has the tears and the blessings of mankind.

Mr. President, at the proper time I intend to do everything in my power to bring about a vote on Senate Joint Resolution 1.

Mr. BROOKHART. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. Gladly.

Mr. BROOKHART. Has the Senator any information as to those contracts or tentative contracts which have been made for the use of industries in the next war?

Mr. FRAZIER. I will say to the Senator that I have no definite information, but from the authentic reports which I have I believe such arrangements are being made.

Mr. BROOKHART. There has been a special mobilization of industry provided for. I mean to bring it before the Committee on Military Affairs soon, if I can. In a general way, as I understand it, it is proposed that we are to bring about a stabilization of prices and of earnings, and these industries are to be given a 6 per cent capital return, plus expenses, costs, and everything else.

Mr. FRAZIER. That is, on a cost-plus basis?

Mr. BROOKHART. Yes; only it is 6 per cent or something like that, as I understand the arrangement. It seems to me that any arrangement of that kind would be the greatest possible encouragement for the industries to go into war, in time of depression particularly, when their earnings were low, because they would profiteer over and above peace times even by such arrangements as may have been made for stabilization in war time.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FRAZIER. In just a moment. From our experience in the past war with the profiteering that went on, we would naturally assume that the statement of the Senator from Iowa is correct, because it is so well known that there were some 17,000 new millionaires created, as I recall.

Mr. BROOKHART. It was reported that there were 23,000. The Treasury Department could not find all of them, however.

Mr. FRAZIER. There was a vastly greater number of millionaires after the war than there was at the beginning of the war. I now yield to the Senator from Ohio.

Mr. FESS. The query of the Senator from Iowa, which was quite strong, might be answered by what I think it is generally going to be conceded will be done in case any other war comes on, and that is the conscription not only of the man power of the country but of the money power as well. In other words, if we ever become involved in war we shall never limit the operation of conscription to the war elements.

Mr. FRAZIER. Mr. President, I am very glad to hear the keynoter of the next Republican National Convention make that statement, because the Senator from Ohio remembers that at the beginning of the World War anyone who advocated such a thing as that was called a traitor. I know, because I advocated it.

Mr. FESS. The Senator may recall that I offered an amendment on the floor of the other House to that effect at the time we were discussing the man power bill; so it is no new thing to me. I have long had such a conviction.

Mr. NORRIS. I do not see how the Senator from Ohio escaped. [Laughter.]

Mr. FESS. And, secondly, I am convinced that since the war there has been a general unanimity of sentiment that in case of another war the conscription policy, if applied at all, must be applied generally.

Mr. BROOKHART. Mr. President, on that proposition I desire to state that the American Legion has favored a resolution for a long time—and the rank and file of the Legion believe in it—to the effect that the next time we have a war capital shall be drafted on the same terms as those on which men are drafted. But at this session there has been introduced in both Houses a universal draft bill with the indorsement of certain leaders of the Legion, the auxiliary of the Legion, and I presume of the D. A. R.—I think that body indorsed it; at any rate, it has the indorsement of a great many of the members of that organization. That bill provides for the drastic draft of men by the President even before a declaration of war, but when it gets down to capital in war, I want to call the attention of the Senator from Ohio to the fact that it says we will stabilize the earnings of capital and the price of commodities; there is no drafting of capital about it. According to information I have—I do not state it as accurate, because it is not official—the War

Department has mobilized the industries at 6 per cent, whereas if capital were drafted as are men it would be mobilized at 2 per cent, or something like that. In case that be true this draft scheme that is being tried to be put over in Congress at this time is another war-profiteering scheme of gigantic proportions.

Mr. FRAZIER. It looks that way. Since the Senator from Iowa has mentioned the Daughters of the American Revolution—I had not intended to mention that organization—I will say that I clipped from the editorial column of Arthur Brisbane in this morning's Washington Herald this little article:

The charming and lovely Daughters of the American Revolution admit that they have a "blacklist," made up of public men and public speakers. "We must take great care in selecting our speakers," the ladies say, "for there is dangerous radicalism abroad."

Brisbane continues:

Patrick Henry would be on that "blacklist," of course, and several other radicals connected with the Revolution. As for Him who said, "Take all thou hast and give to the poor," He would be barred from D. A. R. speaking, as a matter of course.

However, these are dangerous days. It's a blessing we have those ladies to protect us.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. NORRIS. I will say to the Senator from Alabama that I am in no hurry to proceed, and if he would prefer to proceed now I will yield and let him go ahead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. BINGHAM. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BINGHAM. I do not want to let go by without protest the statements just made by the Senator from Iowa [Mr. BROOKHART] and the Senator from North Dakota [Mr. FRAZIER]. I know statements of that kind with regard to manufacturers and their willingness to drag this country into war if they are not doing well in their business are thought by many persons to be unworthy of any consideration whatsoever, but, coming from a manufacturing State and one that produced more munitions during the World War for the cause of the Allies and for the cause of America than any other State, and knowing many of those manufacturers personally, I want to state in the strongest and most emphatic way possible that, so far as the manufacturers of Connecticut are concerned—and I have no reason to believe that they are any better than those in the other States of the Union—I do not believe that there is a single manufacturer in this country so unpatriotic, so selfish, so thoughtless of suffering as to be willing to see war come because his business is not prosperous.

Mr. BROOKHART. Mr. President, can the Senator from Connecticut give us any information in regard to the tentative contracts which have been made?

Mr. BINGHAM. No; I am not familiar with that matter, but I wish to say that I think before the Senator made such a charge on the floor of the Senate he ought to have asked the War Department, through the chairman of the Military Affairs Committee, whether any such cost-plus-6-per-cent arrangement had been made with our manufacturers.

Mr. BROOKHART. I have asked for and I expect to have that information; but there was quite wide publicity given to this mobilization plan. I do not know that it included any manufacturer in Connecticut, but I will find out; and, until I do find out, I will not hold them guilty.

Mr. BINGHAM. With regard to the mobilization, it is a well-known fact that Congress has given to the Assistant Secretary of War the power of making arrangements with manufacturers so that in case of war we need not take so long as has been the case heretofore to get under way. What those arrangements are, however, I do not know.

Mr. BROOKHART. They are not drafting arrangements such as have been so eloquently suggested by the Senator from Ohio, and I insist that capital shall be drafted on the same terms as men are drafted.

Mr. FRAZIER. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. HEFLIN. I yield.

Mr. FRAZIER. I should like to ask the Senator from Connecticut if he knows how many new millionaires were made in Connecticut during the World War?

Mr. BINGHAM. No. I know that this country was very prosperous during 1914, 1915, and 1916, when the countries of the world were paying millions and millions of dollars to our manufacturers all over the country for the purchase of commodities which they needed. It is my opinion from what I saw, although I was not in a position to see much during the war, for I was in the Army myself, that the money made in this country was made before the United States entered the war rather than afterwards.

Mr. FRAZIER. But we have ample figures to show that there was all kinds of money made during the war time, when we were actually in the war. There was a lot of graft that went on during that time; there is no getting away from that and no doubt about it; although we might go a little further back and say that a great amount of money was made during the war period previous to the time we went into the war. However, does the Senator from Connecticut think it was just right for a neutral country, as we were supposed to be, to furnish some of the warring nations with munitions to carry on the war?

Mr. BINGHAM. Certainly. I am glad we furnished them; and if we had not furnished them there is a likelihood that the Allies might not have won the war. However, as to a single manufacturer desiring to involve us in war for the sake of making money, it is not so.

Mr. FRAZIER. Of course, there is room for difference of opinion there.

Mr. BINGHAM. Can the Senator mention the name of a single manufacturer who did that?

Mr. FRAZIER. The hearings brought out all kinds of facts in regard to that. I can give the record if the Senator desires.

Mr. BINGHAM. That a single manufacturer desired to involve us in war so that he could make money?

Mr. FRAZIER. They made all kinds of money, but I do not know what their desires were; of course, that is a hard thing to tell; we can only judge that from their attitude and what they did. Perhaps the Senator does not remember the occasion, but I made a statement on the floor of the Senate during the discussion of the World Court question quoting Colonel House and calling attention to the fact that he stated in an article published in a magazine, the name of which I do not recall at the moment, that had it not been for the fact that Germany was reckless in her use of submarines and in some other measures she took along that line, and had it not been for some other mistakes that Germany apparently made, this Nation might have found itself on the side of Germany instead of on the side of the Allies in the World War.

ACQUITTAL OF HARRY F. SINCLAIR

Mr. HEFLIN. Mr. President, I wish to say a few words about a very startling and shocking thing that has just taken place in the Capital of the Nation.

Some months ago the Capital was shocked, as was the Nation, when told that a "bye-bye blackbird" jury had acquitted Doheny and Fall. All honest men and women in the country were dazed, humiliated, and grieved because a court here at the Capital had gone through the farcical performance of investigating high crimes and misdemeanors of a grave national character, and had finished up by giving a clean bill of health to two notorious and guilty criminals. A Cabinet officer, one who sat at the helm of the Nation and helped guide its affairs, who had intrusted to his care rights and properties of the people and of the Government, deliberately betrayed his trust and sold out to Doheny and Sinclair the great oil reserves of the Nation.

Doheny and Sinclair, two of the money lords of the country, reveling in their ill-gotten gain, connived with Fall, this betrayer of his country, and corruptly induced him to sell himself in the market place, and through that corrupt performance they obtained the Nation's rich oil reserves.

President Roosevelt had set aside this valuable oil property to be kept and used some time in the hour of the country's need. President Wilson, followed in his footsteps, safeguarded the arrangement by which these oil reserves were to be held in trust for the people of the United States. No armed band from the outside marched against the strongholds of the Government to deprive it of that property, worth millions of dollars. It was accomplished by treason to the Government, by betrayal of a trust, and by the use of enormous funds of filthy lucre on the part of Doheny and Sinclair.

The Government went out and apprehended these outlaws and national highwaymen and took them into court to answer for their crimes.

The grand jury indicted Fall, Doheny, and Sinclair. The Doheny and Fall farcical trial of hateful memory is behind us. They both, strange to say, were acquitted. Doheny is permitted

to go his way, to enjoy himself, to clip his coupons and revel in the fruits of his corrupt dealings with a traitor to the Government. Mr. Sinclair comes on to be tried, and what do we witness at the capital of the country?

Senators, where law enforcement ought to obtain, where the courts of justice ought to stand everlastingly above suspicion and devoted to the principles of right and justice, what do we find in the trial of Mr. Sinclair, this rich money lord of the Nation? When a jury is being impaneled to try him—a jury to lift their hands to God and swear that they will a true verdict render according to the law and the evidence, so help them God—what do we find?

We find Sinclair, with hired villains, trying to bribe the jury as it is being formed, and former detective agencies at the Capital in his employ engaged in this villainous work of helping to break down the courts of justice in the Nation, not out in the interior of the country but right here at the Capital itself. Then what do we see in the court?

I am not condemning courts. I am condemning a court. I am not attacking the jury system. I am attacking particular juries and particular judges. I believe in the courts; I believe in the jury system with all my heart.

What did we see? We saw the trial judge permitting the Sinclair case to be sidetracked, and the court's arm went reaching out into the briar patches and hedgerows hunting for these little fellows who were accused of trying to bribe somebody. The Sinclair case goes over and drags along for another year untried, and in the meantime they have all the time they want to perfect their corrupt arrangements to bring about his acquittal.

Senators, these truths ought to be told by somebody. You can not hold the respect and confidence of the masses of the people in the courts, in our free institutions, if you permit those high in authority to betray their trust, and permit those who are rich to buy their way out of the courthouses of the country. You can not hold the confidence of the respectable men and women of the Nation. You have got to have one standard of justice for the high and the low, the rich and the poor alike. If a millionaire violates the law, it is a reflection on the court and a shame on those in authority in it if they can not convict him and have him punished under the law like other people are punished.

This verdict to-day is shockingly astounding in the face of the ruling of the Supreme Court in this case on the vital facts of the case. This case was tried before Judge Kenyon, formerly a Republican Senator from the State of Iowa, a big, strong, clean, courageous man, now on the circuit court of appeals. He tried the case, and he said that this transaction was branded all over with fraud and corruption. The case was carried to the Supreme Court of the United States by the defense, and the Supreme Court sustained Judge Kenyon, saying that this whole transaction was branded all over with fraud and corruption. Then, if that is true, this whole miserable transaction was unclean, criminal, and rotten. There was no just reason for permitting them to keep this property, and the Supreme Court ordered what was left of it returned to the United States Government. There was no reason why they should not be prosecuted, punished, and imprisoned for their villainous crime against the Government that they have sworn to support and sustain. But what have we got here this morning, Senators?

We have here in the Capital a man, a haughty millionaire, who stands to-day in contempt of the Senate of the United States. He has defied the constituted authority of the greatest law-making body in the world. He refuses to give the Senate testimony when the Senate calls in the name of the Government for that testimony; and to-day he walks the streets of Washington with a clean bill of health—a verdict of acquittal at the end of another farcical performance in a courthouse at the Capital of the Nation. Senators, I read just the other morning about a poor fellow out in the West who had seven or eight children and he was not able to support them all. The little boys had heard the father talk about how scant food supplies were and say he did not see how he could provide much longer for so many children. They found one of the boys upstairs. He had shot himself through the stomach with a pistol. When the doctor reached him and asked him why he did it, the little fellow, writhing in pain, his face wet with tears, said, "I thought there would be one less for dad to have to feed." God bless that little fellow and save his life! We have many poor people in this great country struggling for an honest living, millions of them who are hard pressed for the necessities of life.

These human beings made in God's image have a right to live. Sometimes sheer want and hunger drive them to steal. I sympathize with them and pity them. If they go out and steal a loaf of bread, they are put in the penitentiary.

The military authorities not long ago disgraced a United States soldier, I am told, for stealing two dressed turkeys. Think of that! Here was a boy who went to France and offered his life for his country. Because he stole a couple of dressed turkeys the military arm of the Nation reached out, got him, and dishonorably discharged him and imprisoned him. Think of that!

Out in the Northwest the other day a man held up a bank and robbed it of one or two thousand dollars. They apprehended him and convicted him, as they should have done; but Sinclair robs the Government of the United States of a hundred million dollars' worth of property, violates the law of the land, corrupts Cabinet officers, deprives the Government of supplies for future national defense, then scorns and defies the Nation's Senate—laughs at the laws of the country and escapes punishment in a court at the Capital.

Senators, have the American people reached the point of indifference and decadence where they are no more stirred to righteous indignation by the recital of such wrongs and crimes? This country must wake up. It must be aroused to the importance of combating the dangers that threaten it. Is the spirit of honor and integrity, of self-respect, love of justice and of right principles dying out in our country? What are we doing here to safeguard and preserve them? Certain foreign influences and certain domestic influences are seeking to undermine this great American Government. "They must not pass."

Sinclair goes his way, acquitted. The finding of the circuit court of appeals based on all the facts, and they were undisputed, the decision of the highest court in the land, the Supreme Court of the United States, based on those findings, made on facts, as I have said, that were undisputed—all these have gone down to-day because Sinclair, the man that Governor Smith, of New York, appointed and kept in office during all that time, has his millions and hundreds of millions. Not only has he done that but he has put his Government bonds, strangely purchased, into the hands of Will Hayes, gathering up corrupt campaign funds for the Republican Party and turning them over to Mr. Mellon, Secretary of the Treasury of the United States.

He keeps them and then says that finally he turned them back, and that he, out of his own generous impulse and liberality, took out of his pocket \$50,000 and paid it himself, rather than to be found with any of these Sinclair bonds in his possession; but Mr. Mellon never told anybody about that.

Senators, what would happen to the ordinary man in public office if he had been caught connected up with a big scandal like that, and a judge had brought him into court and said, "Didn't you know about this?" "Yes." "You knew about all the circumstances connected with the villainous work of this man?" whoever he might be; it happened to be Sinclair in this instance. "Yes." "Why didn't you tell it? You were guilty of concealing the truth, and to that extent helping to cover up a crime, when you were put into honorable position and expected to cry out against wrongdoing and crime arising from any source, and to serve your country faithfully."

Mr. Mellon never told anybody about it until the Senate committee investigating the matter asked him the direct question on the witness stand.

Senators, are we going to tamely and cowardly submit to the establishment of two standards of conduct in public office—one for the rich and one for the poor? Two standards of justice—one for the rich and one for the poor? If so, we had better put up two courthouses at every place—one for the rich and one for the poor—and write over the door of the entrance of the one for the poor, "Who enters here may or may not obtain justice"; and put upon the front of the other one, "Here is where verdicts are made to order and sold for cash to the highest bidder."

Are we going to come to that? God forbid! I burn with righteous indignation, as I know some of you do, as I talk to-day about this scandalous performance that has just taken place here in the Capital of the Nation. Doheny will rejoice out in California. Old Fall will rejoice—the archtraitor of his country.

Sinclair will, no doubt, spread a feast to-night when he will stand up and say, if he dared to say, "My money is powerful; it is stronger than the institutions that stand on yon Capitol Hill, stronger than the statutes enacted by Congress, stronger than the so-called justice that they claim governs and is over all in this country. My money has wrought this thing and out of the clutches of the Government and its law I am free because I and my money have willed it."

What has he done? He has left a slimy trail behind him that stinks with scandal, corruption, crime, and treason, and the Capital to-day and the Nation to-day are given notice that the ends of justice have been defeated at the seat of govern-

ment—that a rich man has been acquitted, not because the facts and law justified it, not because he was innocent, but because he corruptly used the power of his purse to procure the results achieved. Admiral Robison will never be able to lift the black cloud that hangs heavy over his guilty head.

Mr. President, it is the duty of Congress to pass additional laws if we have not already laws sufficient to cover all these national scandals and crimes.

There ought to be a statute that would imprison for life any citizen who corrupts a public official and one to imprison for life any public official who becomes corrupt and betrays his country. Neither one of them should ever again be permitted to walk the earth a free man, or stand out in the open under the blue sky of heaven, who betrays his trust, proves traitor to his country, and dishonors himself and those who trust him. For the public officials are in positions of trust and power. They can do much to protect and preserve or to betray and destroy our free institutions. Fall is free out yonder, enjoying the ill-gotten gain that he obtained from Sinclair. He is a rich man now, so far as dollars go. So these mighty rich men, these national crooks, thieves, and scoundrels have laughed at and scorned the National Government. They have defeated the ends of justice and walked out free from the courthouse here at the Capital, within a stone's throw of the White House, where once sat the mighty Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and Wilson. And, Senators, all this has transpired right here in the Capital of our country in this morning of the twentieth century, where we of America are supposed to be the "heirs of all the ages in the foremost files of time."

ERADICATION OF PINK BOLLWORM

Mr. RANSDELL. Mr. President, I ask unanimous consent to report back favorably with amendments, from the Committee on Agriculture and Forestry, Senate Joint Resolution 129, to provide for eradication of pink bollworm and authorizing an appropriation therefor, and I submit a report (No. 865) thereon.

Mr. President and Senators, this is a great emergency. The paper that came in this morning, the United States Daily, shows that the bollworm quarantine has been extended to nine counties in Texas. It is a very serious matter, really an emergency, threatening the entire industry. The Federal Department of Agriculture thinks this pest can be entirely eradicated. It was eradicated, I will say, from southeastern Texas and southwest Louisiana in 1917, 1918, 1919, and 1920, at a cost to the Government of around \$3,111,000. Now it has gotten into the western part of Texas, and it threatens the whole industry.

The report of the Secretary was favorable, the Budget recommended it, and there is a unanimous report from the Committee on Agriculture. I would not ask to have this matter brought up at this time if there were not a real emergency, which ought to be acted upon promptly. I ask unanimous consent for the immediate consideration of the resolution.

Mr. KING. Mr. President, I wish the Senator would let this go over until Monday. Let me say that in the closing hours of the last session a demand was made for an appropriation of \$10,000,000, as I recall—perhaps it was more—because of the great danger that threatened the corn crop, the statement being that \$10,000,000 must be appropriated to eliminate the corn borer before we left the Senate Chamber. I have heard a vast amount of criticism over the action of the Senate, and many have contended that the appropriation was not needed and that much of it had been inefficiently used.

I do not like these imminent appropriations that have to come before us and be passed upon in a few minutes, without full consideration, calling for such stupendous sums.

Moreover, the agricultural appropriation bill which has just been passed carries more than \$140,000,000, and in that measure there were a large number of items dealing with subjects of this character.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator object?

Mr. RANSDELL. I hope the Senator will not object. The Senator from Texas [Mr. MAYFIELD] can tell him something about the necessity for this action.

Mr. KING. I will object for the present. I suggest that the Senator seek to have the joint resolution come up later in the day.

The PRESIDING OFFICER. The Chair understands the Senator from Utah to object?

Mr. RANSDELL. The Senator from Utah asks that the joint resolution go over for the present. He may withdraw his objection later in the day.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11020) validating certain applications for and entries of public lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BINGHAM. Mr. President, we have had some interesting views with regard to the so-called war in Nicaragua. I studied international law under a democratic professor of international law, the late Professor Strobel, who was at one time advisor to the King of Siam, at one time minister to Spain, and at one time Assistant Secretary of State. It was Professor Strobel's idea, as supported by most of the textbooks which we used, that war was a very definite, clearly defined, legal status.

I do not believe in the doctrine of outlawing war, because it appears to me that war is illegal until the Congress makes it legal. If anybody wants to start a war because he thinks it is legal, he will soon find out that it is contrary to law, that the only way there can be war is by special act of Congress. When the people of the United States, through their representatives, indicate that they believe that war is necessary, then that war and that war alone becomes legal.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BINGHAM. Certainly.

Mr. FRAZIER. The Senator from Connecticut then does not agree with the Senator from New Jersey in his statement yesterday that a state of war does exist in Nicaragua?

Mr. BINGHAM. I listened to the Senator from New Jersey during his address yesterday, and I did not hear him make that statement. Perhaps I was not listening at the particular moment the Senator thinks he made it.

Mr. NORRIS. The Senator will remember, if he was here, that it came out in answer to a question I asked him at the conclusion of his remarks.

Mr. BINGHAM. I heard the Senator endeavor to secure an admission of that kind.

Mr. NORRIS. I got it.

Mr. BINGHAM. I am glad the Senator was satisfied.

Mr. NORRIS. I was satisfied.

Mr. BINGHAM. I can assure the Senator that he will not be satisfied with my position.

Mr. NORRIS. I know that in advance, of course.

Mr. BINGHAM. So do I.

Mr. McKELLAR. Mr. President, if the Senator will allow me to quote what the Senator from New Jersey said, I can refresh his memory.

Mr. BINGHAM. I shall be very glad to have the Senator do so.

Mr. McKELLAR. I read from yesterday's Record:

Mr. NORRIS. Mr. President, I would like to ask the Senator from New Jersey a question or two. He said he would be pleased to be interrogated when he had finished.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska for that purpose?

Mr. SACKETT. I yield.

Mr. NORRIS. I want to ask the Senator whether, in his judgment, a state of war exists now in Nicaragua?

Mr. EDGE. I presume technically; yes.

Mr. NORRIS. Then I would like to ask the Senator if the Constitution of the United States, which he says is being amended, has not been amended by that war being brought about by the President, without any declaration on the part of Congress.

Mr. EDGE. Technically so.

Mr. NORRIS. That is all I want to know.

Mr. BINGHAM. I am glad to have my memory refreshed in the matter. I do not agree with that position, because I do not believe that technically a state of war exists in Nicaragua, and

if the Senator will do me the honor to listen to that which I have prepared—

Mr. McKELLAR. May I interrupt the Senator again, just before he begins his remarks?

Mr. BINGHAM. Certainly.

Mr. McKELLAR. The Senator says that a state of war does not exist in Nicaragua.

Mr. BINGHAM. Does the Senator think a state of war exists in Chicago?

Mr. McKELLAR. No.

Mr. BINGHAM. They kill people there.

Mr. McKELLAR. I know; but this is different.

Mr. BINGHAM. There are also machine guns being used.

Mr. NORRIS. We have our troops in Nicaragua.

Mr. BINGHAM. We have policemen in Chicago.

Mr. McKELLAR. We are proceeding against an army in Nicaragua, and that army is proceeding against our troops in Nicaragua, and men are being killed on both sides. The Senator will certainly admit that statement.

Mr. BINGHAM. Men are being killed on both sides in Chicago, as far as I can learn, but that does not prove there is a state of war there.

Mr. McKELLAR. The Senator certainly knows better than to say that conditions existing between the American Government and Nicaragua are similar to those existing in Chicago. Surely the Senator can not take that position. I have too much respect for the Senator's views to believe for a moment that he would say that there is any similarity between the two situations.

Mr. BINGHAM. I thank the Senator, I am sure.

I was very much interested in an article which the junior Senator from Wisconsin asked to have printed as a Senate document some time ago, and which he quoted recently. It is called Senate Document No. 39, and in it an effort is made to show that under the Constitution of the United States the Congress has power—sole power—to declare war. In the course of the article reference is made to Article I, section 8, clause 2, of the Constitution of the United States, to debates in the Constitutional Convention, and to decisions of the Supreme Court of the United States. Quotations are made also from the utterances of Presidents and Secretaries of State to show that they recognized that the power to declare war rested with Congress.

The meaning of the provision of the Constitution cited seems so clear that it is strange that it should be deemed necessary seriously to argue that the Congress possesses power to declare war. This power has on several occasions been exercised by the Congress and, while questions have been raised as to the dates on which a war began or the date on which a state of war ceased to exist, so far as is known no question has ever been raised as to the power of Congress to declare war or to recognize the existence of war by declaring that a state of war existed, or as to the efficacy of a declaration made by the Congress that a state of war existed. The opening and closing pages of the article, however, disclose that the purpose in engaging in so laborious a discussion of so simple a question is to show that, since 1903, Presidents Roosevelt, Taft, and Coolidge, in employing the armed forces of the United States without authorization of Congress, have sought to wrest the war-making power from Congress. The author of the article seeks to exclude President Wilson from the scope of the accusation by explaining that, although President Wilson's ventures in the Dominican Republic, Haiti, and Mexico entailed the use of armed forces without legislative authority to a greater extent than has been done by any other President before or since his time, President Wilson acted unwittingly under the influence of holdover diplomats.

In the light of the evident purposes of the article, it seems that the real question raised—although little consideration is given to it in the article—is whether the use of armed forces in the manner in which they have been used without express legislative authority constitutes war. Since the article is a professed attempt to discuss the question from a strictly legal standpoint, and inasmuch as the Constitution of the United States by which the war-making power is placed in the Congress is the fundamental law of the country, the questions as to what constitutes war and whether the practice which the author seems to regard as so iniquitous constitutes war in contemplation of law should be considered.

A statement made in the opinion of the United States in *Bas v. Tingy* (4 Dallas, 37) as to the meaning of war is quoted in the article. The quotation is as follows:

It may, I believe, be safely laid down that every contention by force between two nations, in external matters under the authority of their respective governments, is not only war, but public war.

This was obviously not intended as an all-exclusive or all-inclusive definition of war. Since war between nations is

largely regulated by international law, it is deemed not inappropriate to set forth a definition of war used in a recognized work on international law. The following is quoted from Oppenheim's *Work on International Law*:

Sec. 54. War is the contention between two or more states through their armed forces for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases. War is a fact recognized, and with regard to many points regulated, but not established, by international law. * * *

Sec. 55. In any case, it is universally recognized that war is a contention, which means a violent struggle through the application of armed force. For a war to be in existence, two or more states must actually have their armed forces fighting against each other, although the commencement of a war may date back to its declaration or some other unilateral initiative act. Unilateral acts of force performed by one state against another without a previous declaration of war may be a cause of the outbreak of war, but are not war in themselves, as long as they are not answered by similar hostile acts by the other side, or at least by a declaration of the other side that it considers the particular acts as acts of war. Thus it comes about that acts of force performed by one state against another by way of reprisal or during a pacific blockade in the case of an intervention are not necessarily initiative acts of war. And even acts of force illegally performed by one state against another, such, for instance, as occupation of a part of its territory, are not acts of war so long as they are not met with acts of force from the other side, or at least with a declaration from the latter that it considers the particular acts as acts of war. * * * (Oppenheim, *International Law*, 2d ed., Vol. II, pp. 60-61.)

Mr. WATSON. What is the Senator reading?

Mr. BINGHAM. This is from Oppenheim's great work on international law. The Senator will recall that Oppenheim is recognized as one of the world's great authorities on international law.

It will be observed that the author distinguishes between war and the use of armed forces short of war. The distinction between war in the legal sense and war in a material sense was recognized by the Supreme Court of the United States in *The Three Friends* (166 U. S. 63). The following quotation is taken from the opinion in that case:

But it belongs to the political department to determine when belligerency shall be recognized, and its action must be accepted according to the terms and intention expressed.

That is a distinction which appears not to have been common on the floor of the Senate in recent discussions.

The distinction between recognition of belligerency and recognition of a condition of political revolt, between recognition of the existence of war in a material sense and of war in a legal sense, is sharply illustrated by the case before us. For here the political department has not recognized the existence of a de facto belligerent power engaged in hostility with Spain, but has recognized the existence of insurrectionary warfare prevailing before, at the time, and since this forfeiture is alleged to have been incurred.

It will be seen from the foregoing that, according to responsible authorities, the use of the military forces in itself does not constitute war as that term is understood in law and as it is used in the Federal Constitution. As a matter of common historic knowledge, it has been from an early date in this country's independent existence a practice for the Executive to employ the armed forces to protect American interests abroad.

In a message to Congress of December 6, 1805, President Jefferson, in speaking of depredations committed on the commerce of the United States under the authority of Spain, stated:

Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. (1 Richardson, 389.)

In his message of November 16, 1818, to the Congress President Monroe stated:

In authorizing Major General Jackson to enter Florida in pursuit of the Seminoles care was taken not to encroach on the rights of Spain. I regret to have to add that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked which evinced their participation in the hostile purposes of that combination and justified the confidence with which it inspired the savages that by those officers

they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fall in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there to deliver the posts—Pensacola unconditionally to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola to terminate it by proving to the savages and their associates that they should not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the Executive is deemed incompetent; it is vested in Congress only. (2 Richardson, 42-43.)

In a note to the Spanish minister, dated November 30, 1818, the Secretary of State stated:

After a full and deliberate examination of these proofs, the President deems them irresistibly conclusive that the horrible combination of robbery, murder, and war, with which the frontier of the United States bordering upon Florida has for several years past been visited, is ascribable altogether to the total and lamentable failure of Spain to fulfill the fifth article of the treaty of 1795, by which she stipulated to restrain, by force, her Indians from hostilities against the citizens of the United States * * *. It is therefore to the conduct of her own commanding officers that Spain must impute the necessity under which General Jackson found himself of occupying the places of their command. (Moore's *International Law Digest*, Vol. II, p. 405.)

It will be noted that the author of the article published in Senate Document No. 39 quoted from a message of President Monroe of March 25, 1818. The message of November 16, 1818, shows that General Jackson penetrated the territory of Spain, took possession of Spanish forts, and employed the Army to a much greater extent than the message of March 25, 1818, from which the author of the article quotes, indicated. Furthermore, a statement of the Secretary of State in the note to the Spanish minister, an excerpt of which is quoted above, shows that President Monroe approved the action of General Jackson. Inasmuch as General Jackson, who headed the expedition into Florida was Andrew Jackson who later became President of the United States, it is probably unnecessary to make any further comments in regard to the views and action of President Jackson as to the use of the military forces when occasion for doing so arose.

The communications of Secretary Cass, quoted in the article, show without doubt that he considered that the Congress possessed the war-making power. They show also that, while Secretary Cass recognized that the war-making power was in Congress occasions had arisen in which it was necessary to employ the military forces of the United States without authorization by Congress. He apparently understood also that such use of the military forces did not necessarily constitute war. The following paragraph of Mr. Cass's letter to Mr. Body, part of which was quoted in the article, shows that Mr. Cass recognized the necessity of the use of armed forces without express legislative provision in some instances:

Cases may occur where the circumstances may justify the employment of our naval or military forces, without special legislative provision, for the protection of our citizens from outrage, but it is not necessary to examine the extent or limit of this right, because the principle is inapplicable in your case, where you demand a forcible interposition with the Nicaraguan Government, in order to give effect to the contract to which you refer. (Moore's *International Law Digest*, Vol. VII, p. 166.)

It appears from the above that Presidents Jefferson, Monroe, Jackson, and Buchanan, although they affirmed that the power to declare war was in the Congress, authorized or employed

force, without legislative authority, to protect American interests. The views of various Executives as to their power to employ the armed forces can probably better be judged by action which was taken under their authority than by statements which they made.

In May, 1811, the United States cruiser *President* attacked and disabled the British warship *Little Belt*. (History of the Navy of the United States of America, by Cooper, vol. 2, p. 26.)

In 1823 a force was landed at Siquapa Bay, Cuba, from the barges *Gallinipper* and *Mosquito* to pursue pirates who had fired on the barges. The men from the United States vessels landed and, with the local authorities, killed, wounded, and took prisoners all the pirates who had reached the shore from their vessel. About the same time a force was landed from the *Greyhound* and *Beagle* at Cape Cruz. (History of the Navy of the United States of America, by Cooper, 1866, vol. 3, pp. 26-28.)

In 1832 a force of 250 seamen and marines from the U. S. S. *Potomac* landed on the island of Sumatra for the purpose of punishing the natives of the island for the plundering of the vessel *Friendship* and the murdering of the mate of the vessel and other members of the crew. The landing force engaged the natives in action, stormed a fort on shore, and burned a considerable portion of the town. Two members of the landing force were killed and 11 wounded. On the return of the party on board the *Potomac* they were followed by the natives carrying a flag of truce and begging for peace. (History of the Navy of the United States of America, by Cooper, vol. 3, pp. 31-36.)

In July, 1840, a force of seamen and marines was landed from the *Vincennes* and *Peacock* on one of the Fiji Islands for the purpose of punishing natives who had attacked an American surveying party. The principal town of the natives was destroyed. About the same time a force of 70 officers and men was landed on another island of the Fiji group to punish the natives for killing two American officers who had been attacked while on shore. (History of the Navy of the United States of America, by Cooper, vol. 3, pp. 45-46.)

In 1851 the U. S. sloop *Dale* visited the island of Johanna and obtained under threat of bombarding the town \$1,000 as indemnity for the imprisonment and detention on the island of the captain of the American whaling brig *Maria*. (Moore's International Law Digest, Vol. VII, p. 112.)

In 1854 60 sailors and marines from the American sloop *Plymouth* and a number of seamen landed in China and cooperated with a force of English sailors and marines against the Imperial forces, who had seized an American pilot boat. Several Americans were killed and wounded. (History of the Navy of the United States of America, by Cooper, vol. 3, p. 102.)

In 1855 a force was landed in the Fiji Islands from the sloop *John Adams* to obtain reparation for the wrongs inflicted by natives on Americans residing on the island and shipwrecked seamen. After several sharp skirmishes and the burning of several villages, the native chief signed articles promising better conduct. (Cooper, vol. 3, p. 105.)

In November, 1856, a force of 280 sailors and marines was landed in China from the U. S. warships *Portsmouth* and *Levant* and stormed the Canton barrier forts. Firing from the forts was silenced by the *Portsmouth*, and the storming party took four forts. Following the capture of these fortifications the Chinese concluded a commercial treaty with the United States. (Cooper, vol. 3, pp. 105-106.)

In August, 1858, Secretary Cass addressed to the Secretary of the Navy a letter, reading in part as follows:

In view of the bitter feelings of hostility which exist in the east toward Christians residing there, as manifested in the recent occurrences at Jeddah and in the island of Candia, and also in the late outbreak at Alexandria, I have the honor also to suggest the importance of our squadron being directed to traverse the whole of the Levant, showing itself along the coasts of Egypt, Palestine, Syria, and of Asia Minor for the purpose of affording all possible protection to the persons and property of our citizens as well as to remind the authorities in those regions of the power of the United States. (49 MS. Dgm. Let., Department of State, pp. 111-112.)

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield.

Mr. FESS. Just as a matter of comment, all with the exception of one citation fell under the administration of Democratic Presidents, which indicates that this was not a Republican policy or a Whig policy, but an all-American policy, including all parties.

Mr. BINGHAM. I thank the Senator. There is no partisan politics in it. It has been the universal practice of American Presidents, and it has been our pride as American citizens that they have done so, to demand respect for American lives and property in foreign parts and to use the armed forces of the United States in commanding such respect whenever it was necessary to do so.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. May I say, in respect to the comment just made by the Senator from Ohio, that I beg that he will reconsider the attempt to link the transactions in Nicaragua with any of those to which the Senator from Connecticut is referring, because there is no parallel. The line of demarcation separating the incidents referred to by the Senator from Connecticut from the proceedings in Nicaragua is so apparent that it does not require a lawyer or a professor to distinguish it.

Mr. FESS. Mr. President—

Mr. BINGHAM. Of course, that is a matter of opinion, which leads to debate, and I should prefer to continue my argument, but I yield to my friend from Ohio.

Mr. FESS. As a matter of courtesy, I should like to state, as the Senator refers to Nicaragua, that the facts are that the marines were kept in Nicaragua eight years under Woodrow Wilson; and, secondly, that the marines were landed in Haiti by the order of Woodrow Wilson.

Mr. BINGHAM. Mr. President, I hope that we shall not open up the debate at this time, as I desire to complete the argument which I have prepared in an effort to show that, although Congress undoubtedly has a right to declare war, various Presidents of both parties have repeatedly used the armed forces of this country abroad without any direct authorization of the Congress and nobody has claimed that such action was war.

Mr. FESS. Mr. President, I beg pardon of the Senator from Connecticut for interrupting him, but I thought my interruption was rather pertinent to what he was saying.

Mr. SHORTRIDGE. Mr. President, will the Senator from Connecticut permit me to say one word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. I assume that the Senate does not overlook the proposition that by silent acquiescence—to use the phrase of the Supreme Court—the Congress has approved of the use of force by or through the order of the Presidents, and, therefore, as of now, by silent acquiescence, the present occupant of the White House had legislative authority and approval for what he has done.

Mr. BINGHAM. Mr. President, if I may be permitted to resume the historical summary I am submitting, I desire to say further that under the administration of President Lincoln, in 1863, the *Pembroke*, a small American steamer, laden with merchandise from Yokohama, in attempting to pass through the Straits of Shimonoseki, was fired upon from the shore and by an armed brig belonging to the Prince of Nagato. The vessel was not struck. The American minister demanded redress for the insult to the American flag, and by his direction the commander of the U. S. S. *Wyoming* proceeded to Shimonoseki to retaliate. He found three vessels of the prince lying at anchor near the shore. He attacked them and, after a short conflict with them and the shore batteries, sank a brig and blew up a steamer, by which action some 40 persons were said to have been killed. On the *Wyoming* there were five killed and six wounded. The American minister presented to the Japanese Government a claim on behalf of the *Pembroke* for \$10,000, covering loss of time and freight and the abandonment of the voyage. The claim was promptly paid. (Moore's International Law Digest, Vol. VII, p. 116.)

In 1864 the Mikado Government in Japan refused to recognize treaties which had been concluded with the United States, France, Great Britain, and the Netherlands. The Mikado closed the Straits of Shimonoseki. The naval forces of the United States, Great Britain, France, and the Netherlands jointly proceeded to force open the Straits and obtained the unconditional surrender of the prince. (Moore's International Law Digest, Vol. V, p. 749.)

In 1868 armed forces of the United States were landed at various places in Japan to protect the interests of American citizens; and all this without any authorization on the part of Congress or any claim that the President was going beyond his power.

In 1893 the Brazilian Navy at Rio de Janeiro, under the command of Admiral Mello, revolted. The insurgents interfered

with commercial operations at the port and threatened to bombard the city. They attempted to prevent vessels from going to the docks. Admiral Benham, of the United States Navy, employed force to protect American vessels desiring to go to the docks. In his annual message of December 3, 1894, President Cleveland referred to this incident as follows:

It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbor of Rio de Janeiro was strengthened. This precaution, I am satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents, and to avert complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end. The insurgents received no encouragement of eventual asylum from our commanders, and such opposition as they encountered was for the protection of our commerce and was clearly justified by public law. (Moore's International Law Digest, Vol. VI, p. 439.)

In 1894 a detachment of 21 marines and 29 sailors was landed in Korea from the U. S. flagship *Baltimore* to protect the American Legation and American missionaries there. (Report of the Secretary of the Navy, 1895, p. 523.)

In 1900 United States troops and marines were sent to China to guard the American Legation and to participate in the operations against Tientsin and Peking at the time of the Boxer uprising. (Foreign Relations of the United States, 1900.)

Intervention in the Dominican Republic and Haiti is mentioned in the article, but the suggestion conveyed by the article that the President exceeded his constitutional authority is not convincing.

The taking of Vera Cruz by United States naval forces in April, 1914, was the result of direct affronts to this Government by General Huerta and his adherents through the arrest of the paymaster of the U. S. S. *Dolphin*, who had landed at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship; the arrest at Vera Cruz a few days later of an orderly from the U. S. S. *Minnesota*, who had gone ashore in uniform to obtain the ship's mail; the withholding by authorities of the Mexican telegraphic system until peremptorily demanded by the American chargé d'affaires in person of an official dispatch from this Government to its embassy in Mexico City. For the incidents at Tampico and Vera Cruz Admiral Mayo demanded that the flag of the United States be saluted with special ceremony by the military guard of the port.

The immediate purpose of the landing of forces and the taking of possession of the customs was to prevent the landing of a cargo of arms intended for the Huerta régime. In this case, however, the President had delivered a message to the Congress on April 20, fully setting forth the facts, and the House of Representatives had passed a resolution supporting the President's position.

The forces were landed on April 21, and the Senate approved the House resolution the day following, namely, April 22, 1914. In submitting the matter to Congress and requesting the latter to support him in his contemplated action the President stated:

No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

I should like, Mr. President, particularly to call the attention of the Democratic Senators to that statement of President Wilson that—

no doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

He went on to say—

but I do not wish to act in a matter possibly of so grave consequence except in close conference and cooperation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

In connection with the Pershing expedition into Mexico in 1916 in pursuit of Villa, it was thought that an understanding had been reached between the executive branches of the two Governments in which Mexico had consented on the basis of reciprocity to the sending of American troops across the border. The President nevertheless laid the matter before the Congress, and the latter, by resolution of March 17, 1916, after reciting that the President—

has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico—

And so forth, and gave its approval to the use of such forces—for the sole purpose of apprehending and punishing the lawless bands of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico. (Foreign Relations, 1916, p. 491.)

It appears, nevertheless, that the President considered that he had sufficient authority in this case without the approval of Congress. American troops were actually under way several days before any action was taken by the Congress. The resolution was apparently for the purpose of showing that the Congress supported the President in his action.

It is clear, Mr. President, from what is set forth above, that military forces of the United States have been employed without express statutory authority on numerous occasions practically from the beginning of the Government by many executive administrations. A substantially uniform practice of protecting American interests abroad, by force if necessary, negatives the suggestion that the Executive, while charged with the responsibility of protecting Americans abroad, is without means of meeting his obligation in this regard. While the war-making power of Congress has not been questioned by any President, and while Executives have as a rule been cautious to take no action which was likely to result in war without obtaining the approval of Congress in advance, yet they have with few, if any, exceptions been ready to employ the armed forces to protect American interests when necessary and when that could be done without precipitating war. Some of the instances cited above entailed the use of a considerable measure of force. American marines lost their lives and frequently the naval forces of the United States were employed with fatal consequences to their opponents. Yet none of the instances cited was considered as constituting war. When nations become engaged in war, in contemplation of law certain rights accrue to them as belligerents which did not accrue to the United States on these occasions. The legal consequences of a state of war are well defined in international law. The people of the belligerent countries become enemies, intercourse between them becomes unlawful, the right of visitation, search, and seizure accrues, and so forth. None of these rights was exercised or thought to exist in the frequent instances of the employment of force referred to in the foregoing. Neither do they exist at the present time in Nicaragua. None of these rights are exercised or are thought to exist in Nicaragua at the present time.

The reason why these consequences did not ensue is that war in the legal sense did not exist.

While the case *In re Neagle* (135 U. S. 1) did not require a decision of any question relating to the power of the President to use the armed forces of the United States to protect American interests, comments made in the course of the opinion of the court in that case rendered in 1889 are of interest in relation to the subject under discussion. Referring to section 3, Article II of the Constitution of the United States, which declares that the President "shall take care that the laws be faithfully executed," Justice Miller stated:

Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?

The Justice then goes on to say:

One of the most remarkable episodes in the history of our foreign relations, and which has become an attractive historical incident, is the case of Martin Koszta, a native of Hungary, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen. While in Smyrna he was seized by command of the Austrian consul general at that place, and carried on board the *Hassar*, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hülse-mann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair. Upon what act of Congress then existing can anyone lay his finger in support of the action of our Government in this matter?

Mr. FESS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. FESS. The remarkable feature in that case was that this Hungarian had made application and had secured his first papers—

Mr. BINGHAM. That is all.

Mr. FESS. And he had not yet been naturalized. He was awaiting the time, and in the meantime had gone over and was caught on this vessel; and our Government went to that extent to protect a man who was not yet a citizen, but had merely taken out his first papers.

Mr. BINGHAM. But in those days, Mr. President, we were a little more jealous than we are to-day of the honor attaching to the term "American citizen."

Mr. FESS. And that was W. L. Marcy, a distinguished Democrat from New York.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly, if it will not lead to a long debate, because I desire to complete the argument. Then I shall be glad to yield. I am almost through.

Mr. NORRIS. Of course, I will not interrupt the Senator without his consent.

Mr. BINGHAM. Unless the Senator desires to add to the argument, which I am afraid the Senator does not desire to do.

Mr. NORRIS. I do not suppose I could add to any argument of the Senator, even if I tried to.

Mr. BINGHAM. The Senator is far too modest.

Mr. NORRIS. But I was interested to know whether the Senator from Ohio and the Senator from Connecticut were citing that case to show that there is not any war in Nicaragua, and I was interested in knowing what that had to do with the Nicaraguan situation. I may be dense, but personally I can not understand, if that is the point the Senators are trying to make, what it has to do with this matter. Nobody has contested anything of that kind.

Mr. BINGHAM. I do not think the Senator was present when I began.

Mr. NORRIS. Yes; I was present.

Mr. BINGHAM. The effort of this argument, I will say to the Senator, is to show that acts of armed forces of the United States do not constitute war, and that when they have been indulged in or threatened, as in this case, it has not been held that the President exceeded his authority.

Mr. NORRIS. I think myself that the historical matters that the Senator is relating here are exceedingly interesting; but I have been listening very attentively to find one that is similar to the conditions down in Nicaragua, and I was wondering if it was the same Supreme Court decision where our Supreme Court passed on what constitutes war. They have passed on the question. I should like to have the Senator read that decision.

Mr. BINGHAM. I have read several decisions of the Supreme Court.

Mr. NORRIS. The Senator has not read any yet—

Mr. BINGHAM. I have not read any that suits the Senator; I realize that.

Mr. NORRIS. No; the Senator has not read any that has any application to Nicaragua.

Mr. BINGHAM. That is a matter of opinion.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. The Boxer incident involved some force in China.

Mr. BINGHAM. I should like also to read the following quotation from the dissenting opinion rendered in this particular case, which I believe is also of interest. The dissenting opinion reads:

To illustrate the large sphere of powers self-executing and independent of statutes claimed to be vested in the Executive, reference is made to the continually recurring cases of the President's interference for the protection of our foreign-born and naturalized citizens on a visit to their native country; and we are cited, as a striking instance of the exercise of such power, to the case of Martin Kozsta, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen, and who, whilst at Smyrna, was seized by order of an Austrian official and confined on board an Austrian vessel, and who, being afterwards delivered up to Captain Ingraham, commanding an American war vessel, in compliance with a demand, backed by a demonstration of force, on the part of that officer, was placed in the hands of a French consul subject to negotiations between the American and Austrian Governments, resulting in the famous correspondence between the American Secretary of State, Mr. Marcy, and the Chevalier Hülse-mann, representing the Austrian Government, and the restoration of Kozsta to freedom. We are asked, "Upon what express statute of Congress then existing can this act of the Government be justified?"

I am sure the Senator from Nebraska will realize that that question has been repeatedly asked in this debate.

The Supreme Court said in this dissenting opinion:

We answer that such action of the Government was justified because it pertained to the foreign relations of the United States, in respect to which the Federal Government is the exclusive representative and embodiment of the entire sovereignty of the Nation in its united character; for to foreign nations, and in our intercourse with them, States and State governments and even the internal adjustment of Federal power, with its complex system of checks and balances, are unknown, and the only authority those nations are permitted to deal with is the authority of the Nation as a unit.

It will be noted that reference is here made in 1889 to the continually recurring cases of the President's interference for the protection of American citizens. The transitory period, if there was one, has been somewhat misplaced by the author of the article under discussion. The truth is that there has been no transitory period. The armed forces of the United States have been employed necessarily from an early date to the extent that means were available and occasion arose to protect American interests. A possible reason for timidity on the part of the Executive at some stages of the country's history is suggested by Cooper, cited above, writing of the assault on the U. S. S. *Chesapeake* by the British warship the *Leopard* in June, 1807, as follows:

With a foreign trade that employed 700,000 tons of American shipping alone, Congress passed a law on the 22d day of December, 1807, declaring an unlimited embargo, for all the purposes of foreign commerce, on every port in the Union, anticipating a large portion of the injuries that might be expected from an open enemy by inflicting them itself.

This extraordinary measure was not avowedly taken in consequence of the attack on the *Chesapeake*, for the English Government early professed a readiness to atone for that outrage, but it originated in the feelings it engendered. The national pride had been wounded, and the injury rankled the deeper because all intelligent men felt that the Nation was not in a condition to resent the insult. The squadron that then lay in Lynnhaven was probably equal to blockading the entire naval force of the United States of America, and this, too, it ought never to be forgotten, in a country that met its current expenses and extinguished an ancient debt with the duties on its imports alone, which possessed the amount of shipping already mentioned and had nearly 100,000 registered seamen. (Cooper, History of the United States Navy, Vol. II, p. 23.)

It is an axiom, as true as it is venerable, that a "divided power becomes an irresponsible power." Such, in fact, is the nature of the authority wielded by the National Legislature, the neglect of which, in the way of military and naval preparations, would long since have ruined most of the statesmen of the country, had they been guilty of the same omissions, as individuals, that they had sanctioned as bodies of men. We may lament the infatuation, condemn the selfishness, and denounce the abandonment of duty, which impel ambitious politicians to convert the legislative halls into arenas for political controversies that ought never to degrade their deliberations, or impair the sanctity of their oaths; but when we find the consequences of such unconstitutional innovations putting in jeopardy the lives and honors of those who are subject to martial law, a solemn and reproving sentiment must mingle with the views of every honest citizen, as he maturely considers the hardships of the case. (Cooper, Vol. II, p. 22.)

So much for Historian Cooper.

I find no difficulty in agreeing with the learned author of the article set forth in Senate Document No. 39 that, under the Constitution, the war-making power rests with the Congress. There is no question of that; but I submit that the gentleman has misconstrued the meaning and effect of the various acts and incidents which he has referred to as acts of war in his endeavor to show that the Executive has gradually encroached upon the prerogatives of the Congress. One of the most important duties resting upon the Executive of this country is the affording of protection to American interests in foreign countries. He would be grossly derelict in his duty if he failed to use the armed forces at his command in appropriate cases and within reasonable bounds without first petitioning the Congress for authorization. The exigencies of the situation would often render it impossible for the President to obtain advance authorization, and an effort to do so would, in many cases, result in a failure to afford timely protection.

Imagine, for example, what would have happened in connection with the Boxer uprising in China, to which reference has been made by the Senator from California [Mr. SHORTRIDGE], had the Executive awaited the authorization of Congress to use the military forces of the United States to afford protection to American citizens and the American Legations, who were at

the mercy of fanatics. Failure of the Executive to act when the legation and a large number of American citizens in the legation were under siege would have been wholly inexcusable.

The Executive, as well as the other branches of the Government, has not only the powers conferred by the Constitution but has such implied powers as may be necessary to enable it to carry into execution power specifically conferred. The President by the Constitution is made the Commander in Chief of the Army and Navy of the United States. He is also charged with the duty of conducting the foreign relations of the United States and of affording protection to American citizens and American interests. It would be an idle thing to say that the President, while charged with these grave responsibilities and while given the exalted position as Commander in Chief of the Army and Navy, can not use the forces at his command in the performance of the duty enjoined upon him of affording protection. It is not to be forgotten that, in carrying out this grave responsibility, the President must exercise sound judgment and discretion.

I believe, however, that President Coolidge, like his predecessors in the exercise of this power, has displayed that degree of sound judgment which persons who have held that exalted position have exercised and are presumed to exercise. He has maintained the best American traditions. Both he and Secretary Kellogg have shown remarkable and continued skill and ability in the handling of our relations with Mexico, as well as the other American Republics.

If we will think back just for a moment to the position which we took in regard to the Republic of Mexico and which they took in regard to us but a year ago, and the widespread clamor on the part of many people that intervention was necessary, and the widespread belief on the part of thousands of people that war was coming between us and Mexico, and that we were being driven into it by "the wolves of Wall Street" and the financial interests who were said to have their hands on this administration to such an extent as to direct its foreign policy, the present situation seems almost incredible. Within a very few months after the arrival of our new ambassador to Mexico, Hon. Dwight W. Morrow, the situation has changed. The country has become friendly. The most difficult possible matters at issue between the two countries have been ironed out. No one thinks of intervention. There is no talk of war; and for the first time in many years there is a feeling of cordial friendship and of international amity between this country and our neighbor to the south of us. To my mind, Mr. President, that is one of the greatest single achievements of the present administration.

At Habana recently, at the Pan American Conference, certain matters of great contention arose. Certain matters were given great prominence in the newspapers because of the possibility of friction between us and the Argentine Republic. There were at that conference certain individuals who endeavored to raise an issue with the United States; but, notwithstanding all that, the fact remains that more good was accomplished at that conference, more conventions were signed, more agreements were entered into between the republics of Pan America, looking toward peace in the future and prosperity in the Western Hemisphere, than at any preceding conference; and our relations with the governments of Latin America to-day are in good condition. They are friendly to us, notwithstanding the efforts of many on this floor to make people in foreign countries believe that we persecute the weak, that we are at war with Nicaragua because she is poor and needy, and that we are fighting for "the wolves" of financial Wall Street.

I believe if some of the Senators who have expressed those opinions were themselves more familiar personally with conditions in the republics to the south of us they would not indulge in flights of fancy of that character, or even permit their convictions to find expression unless they knew more about it. If they knew more about it, there would be no expression of that sort, which gives comfort to our enemies, which makes us ridiculous abroad, and which gives ammunition to those in the countries to the south of us who, for reasons best known to themselves, are constantly endeavoring to make trouble for the United States of America, which is their best and greatest friend.

Mr. HARRIS. Mr. President, I do not like legislation of this kind on an appropriation bill; but we have had a number of resolutions relating to this subject before the Committee on Foreign Relations, we have not had any report on any of them to the Senate, and have had no way to express our views in opposition to the President's policy in using the marines to supervise an election in Nicaragua.

Our forefathers provided, under our Constitution, that Congress alone can declare war, and can appropriate money to carry on war. Unless Congress prevents, some of this appropriation will be used for war. We are really at war with some of the people in Nicaragua. If Congress had declared war, even though I should have voted against it, I would stand by the President of the United States, no matter whether he were a Republican or a Democrat. There would not be a Senator in this Chamber who would support the President more steadfastly than I would. But the President has no right to send the marines to Nicaragua to supervise an election, which has really put this country into a war without the consent of Congress. Many of our marines have already been killed and they have killed many more Nicaraguans.

I believe that using our marines to hold an election is one of the most dangerous things we could do, and would lead us into serious troubles. I do not believe in sending our Army and Navy to all parts of the world to collect private debts of wealthy men, and to voice my protest I shall vote for the amendment of the Senator from Wisconsin [Mr. BLAINE] if no better substitute is offered. I believe the people of this country are more opposed to the Nicaraguan policy of the President than anything he has done since he has been in office.

I dislike very much to differ from him in any matter relating to foreign affairs and, although I differ with the President in sending our marines to Nicaragua, I would not vote to withdraw them at this time, because the President has made an agreement to carry on this work; but I do believe that when this work is over, we should withdraw our marines. I do not think we should ever attempt to supervise an election in a foreign country again. I have in the past and will continue in future to do everything within my power to prevent war. War is a relic of barbarism, and civilized nations should try every way to avoid war. For that reason I shall support an amendment which prevents our marines from remaining in Nicaragua longer than just after the election.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DILL. Does not the Senator think that a very proper amendment to this bill would be a provision that none of the moneys carried in the bill should be expended for troops in Nicaragua, unless and until the President had secured the consent of Congress to keep the troops in Nicaragua?

Mr. HARRIS. Yes; I favor that.

Mr. DILL. It seems to me that is a fair proposition, and one that gives every opportunity for Congress to pass on this question, and, at the same time, would not force the marines to be taken out.

Mr. HARRIS. I do not believe in a Senator embarrassing the President of the United States about foreign affairs, and I hope never to do so. I am sorry to differ from the President at this time, but I believe that it is important to the country that we should get out of Nicaragua. It has already led us into war with those people, and I am afraid it is going to lead us to even more serious war. I believe in avoiding war in every way we possibly can.

For these reasons, I shall support some amendment that will carry out my views.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. DILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	George	McLean	Shortridge
Blaine	Glass	McMaster	Simmons
Blease	Gooding	McNary	Smith
Borah	Hale	Mayfield	Steiner
Bratton	Harris	Metcalfe	Stephens
Brookhart	Harrison	Moses	Swanson
Broussard	Hawes	Neely	Thomas
Capper	Hayden	Norbeck	Tydings
Caraway	Heflin	Norris	Tyson
Copeland	Johnson	Nye	Vandenberg
Couzens	Jones	Oddie	Wagner
Curtis	Kendrick	Overman	Warren
Cutting	Keyes	Pittman	Waterman
Dill	King	Ransdell	Watson
Fess	La Follette	Schall	Wheeler
Fletcher	Locher	Sheppard	
Frazier	McKellar	Shipstead	

The VICE PRESIDENT. Sixty-six Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. BLAINE], on page 53, line 17.

Mr. NORRIS obtained the floor.

Mr. HEFLIN. Mr. President—

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. HEFLIN. I have a substitute which I wish to offer for the pending amendment. I would like to have a vote on it. It is to be offered at the same place, and reads as follows:

Provided, That none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility by United States marines in Nicaragua unless and until the President shall obtain from Congress consent to keep them there.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Alabama. [Putting the question.] The nays have it.

Mr. HEFLIN. Let us have the yeas and nays.

The VICE PRESIDENT. Is the demand sufficiently seconded? [After a pause.] Apparently it is, and the clerk will call the roll.

Mr. CURTIS. Mr. President—

Mr. NORRIS. Just a moment. I do not quite understand the situation. I had the floor, and had been recognized by the Chair.

Mr. HEFLIN. I thought it was agreeable with the Senator to have a vote on my amendment.

Mr. NORRIS. I have not any objection myself.

Mr. HEFLIN. Then let the roll be called.

Mr. SHORTRIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from California will state the point of order.

Mr. SHORTRIDGE. I question whether the requisite number indicated a desire for a vote by yeas and nays.

Mr. HEFLIN. The Chair had already announced that the roll would be called and the clerk directed to call it.

Mr. NORRIS. If we are going to be at all technical, I make the point that the Chair had no authority to recognize the Senator from Alabama with his proposition after he had recognized me and I was entitled to the floor. However, I make no point of it. I do not care.

Mr. HEFLIN. I have no objection. The Senator can go ahead and make his speech now.

Mr. NORRIS. I am perfectly willing to wait until Monday. I do not care whether we vote to-night or not.

The VICE PRESIDENT. The Chair was under the impression that the Senator from Nebraska had yielded the floor.

Mr. NORRIS. Oh, no; I had not.

Mr. CURTIS. Mr. President, there are a number of Senators who understood that there would be no yeas-and-nays vote on this subject this afternoon. I had understood the first amendment would be passed on by a viva voce vote. In view of that fact I do not think it would be fair to those Senators who are not here to have a yeas-and-nays vote now.

Mr. NORRIS. If that is true, of course, we ought not to have a yeas-and-nays vote.

Mr. CURTIS. If the Senator from Nebraska would like to speak on the pending question this afternoon, I would be glad to have him do so. Otherwise I shall ask for a recess until Monday.

Mr. HEFLIN. We are going to have a yeas-and-nays vote on this amendment of mine. I do not agree to this performance of having an agreement with Senators on the side who want to attend ball games and other things, that we will not have a yeas-and-nays vote. The American people have a right to a yeas-and-nays vote when their representatives here demand it. If Senators want to leave their place of duty and go somewhere else, and somebody here enters into an agreement with them that there will not be a yeas-and-nays vote, I insist it is a very high-handed piece of leadership in this body. I do not think any leader on either side of the Chamber has the authority to engage in such tactics.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. Let me say to the Senator from Alabama that there was an understanding that there would be a number of speeches upon the general subject before the question of a vote upon the various amendments which will be offered would be brought up for consideration, and it was the consensus of opinion that the discussion on the general subject would consume the afternoon and that a vote would be taken on Monday upon the Senator's amendment and any others that might be offered.

Mr. HEFLIN. But the Senator from Kansas said that there was an understanding that there would be no yeas-and-nays vote.

Mr. CURTIS. Oh, no, Mr. President.

Mr. HEFLIN. I ask to have the Official Reporter's notes of the Senator's statement read.

Mr. CURTIS. Let me state what I intended to say and what I believe I said.

Mr. HEFLIN. The Senator can state now what he intended to say, but I am talking about what he did say.

Mr. CURTIS. What I said was this—

Mr. NORRIS. Mr. President, I claim the floor for the purpose of debating the pending amendment. I will settle the question in that way.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I do not want my position to be misunderstood or misconstrued. There were a number of Senators who indicated their intention to debate the pending amendment. A number of other Senators came to me and said they understood there would be no yeas-and-nays vote upon the Nicaraguan question this afternoon. I talked with one or two Senators interested in the amendment, and they said they did not care for a yeas-and-nays vote upon the pending question, and that there would be other amendments offered upon which there would be a yeas-and-nays vote; probably on Monday. In view of the fact that those Senators went away believing there would be no yeas-and-nays vote this afternoon, it would be unfair to them to have one. So far as I am personally concerned I am ready to vote at any time.

Mr. HEFLIN. Hereafter I do not want anybody to make an agreement that we will not have a yeas-and-nays vote, and then, when some Senator, exercising his right as a United States Senator, asks for a roll call, Senators sit with their hands down and refuse to call for a yeas-and-nays vote because they quietly had an understanding with some Senator who wants to take his ease and go somewhere. We would all like to get out and get some fresh air, but let us not legislate in that way. No Senator here has a right to traffic away the rights of other Senators to the extent that we are not permitted to have a yeas-and-nays vote because some Senator happens to be absent. I think each Senator ought to stand on his own rights under the Constitution and that other Senators ought to be here. I would like to change the rule so that when a Senator has to be away for any great length of time he must get permission from the Senate to absent himself.

Mr. CARAWAY. Mr. President, will the Senator from Nebraska yield to me a moment?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course this tempest in a teapot does not require any serious discussion. The rule has been in effect as long as I have been acquainted with this body that where Senators threaten to make a speech others who do not want to suffer may enter into an agreement that they will go away and come back and vote the next day. I do not want to see that right of escaping punishment abrogated. [Laughter.]

Mr. HEFLIN. Until the Senator from Arkansas can get to the point where he can screw up his courage to tell the country how the Arkansas delegation stands on Al Smith, he ought not to make any such suggestion as that. [Laughter.]

Mr. CARAWAY. Whenever the Senator from Alabama can find out what he is going to do himself, then he can lecture somebody else. Until he can convince us that he knows what he is going to do himself, he had best consult his own case and not lecture other people.

Mr. HEFLIN. The country knows that I am against him.

Mr. CARAWAY. The country knows the Senator has said so, but they do not know how the Senator will vote.

Mr. HEFLIN. I am going to vote against him.

Mr. CARAWAY. If he is nominated will the Senator vote against him or for him?

Mr. HEFLIN. I will not cross that bridge until I come to it. [Laughter.] If he is going to obtain the nomination by such tactics as were employed in Arkansas and Iowa and Illinois he will have a good deal of explaining to do. I do not think the Democratic Party is ready to sanction the sale of the Democratic nomination. We are not ready to sell out to the Roman Catholic political machine and the whisky interests.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me to move a recess?

Mr. NORRIS. I yield for that purpose.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon Monday.

The motion was agreed to; and the Senate (at 3 o'clock and 10 minutes p. m.) took a recess until Monday, April 23, 1928, at 12 o'clock meridian.